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ART. I.—*Political Philosophy. In Three Parts. Part First. Principles of Government—of Monarchical Government. Part Second. Of Aristocracy—Aristocratic Governments. Part Third. Of Democracy—Mixed Monarchy.* By HENRY LORD BROUGHAM, F. R. S., Member of the Royal Institute of France. Three Volumes. 8vo. London: 1842-44.

THIS work was published, as may be seen by the dates, at successive periods. On the appearance of the first Number, we expressed our satisfaction at a beginning being made to supply a great deficiency in our Political Literature; and we promised to examine and report on the whole work when it should be concluded. If any apology for our not having sooner performed this promise be due, either to the public or to the distinguished author, it is to be found, partly in the great extent and difficulty of the subject, and partly in the manner in which he has treated it.

The influence on human affairs of different forms of government, may be considered historically, theoretically, or practically; or, in other words, may be made the subject of a history, a science, or an art. The writer may describe the nature, and relate the origin, the growth, and the fate of the principal political constitutions which have actually existed. He may tell the causes—some the result of design, but more of accident—through which the early simple governments, in some cases, were pre-

served unaltered; in others were changed from one pure form into another; and in others became mixed. He may show how the mixed forms gradually grew more and more complicated; until at length the system of divided powers, of balances, and of checks became unmanageable, and the machine, unfit to resist attack, or perhaps even to bear the friction of its own ordinary working, was broken up by foreign conquest or by revolution. This is the historical treatment of the subject.

Or, instead of relating what has existed, he may show what is capable of existing. He may explain the different modes in which the supreme power may be distributed or collected, the effects which it is the tendency of each form to produce, and the modifications to which that tendency is subject from intrinsic and extrinsic accidents—from the intrinsic influence of race, religion, climate, and situation, and the extrinsic action of one nation upon another. This is the scientific treatment.

Or, lastly, assuming that those who have the power of creating or altering the constitution of a nation have some given end in view—its power, its wealth, its freedom, its tranquillity, or its intelligence—he may show what is the constitution under which, in any particular case, any one or more of these objects is most likely to be effected, what are the incidental sacrifices, and how these sacrifices may be diminished. This may be called practical politics, or the *art*, as distinguished from the *science* and the *history* of government.

Whichever of these three modes of treating the vast subject of government were adopted, it could not be considered adequately except at great length. Lord Brougham has united them, and has therefore been forced to compress into one treatise the matter of three. This, of course, has rendered his work more complete in its outline, and less so in its details; and has also impaired the continuity and cohesion of its parts. It has rendered it more useful as a book, and less perfect as a treatise. It is a sacrifice of artistical merit to utility.

By far the largest portion of the work is purely historical. Of the twenty chapters of the first volume, the last ten are devoted to the history of Monarchy in France, Germany, Italy, Spain, Portugal, Denmark, and Sweden; and the greater part of the remainder is employed in the history of the Asiatic despotisms, and of the Feudal System. The second volume contains twenty-eight chapters, of which only the first six treat of the nature and consequences of Aristocratic government; the remaining twenty-two being histories of the aristocracies of Poland, Hungary, Rome, Ancient Greece, Modern Italy, and Switzerland. The third volume contains thirty-five chapters, of which the first twenty-one treat of Democracy and mixed government; and the

rest contain the constitutional histories of England, the United States, France, Holland, Belgium, and Switzerland. Throughout are dispersed disquisitions as to the influence on human happiness of different administrative institutions, and precepts as to the modes by which they may be best adapted to given political forms; and frequently, after noticing the defects of existing institutions, the means of remedying them are pointed out.

For this mixture of narrative, of philosophical exposition, and of positive precept, so far as we are merely a part of the public, we are grateful; but, as Reviewers, we feel that it gives us only a choice of difficulties. Any thing like a general view of the whole work would be a condensed and yet meagre abstract; and if we select portions, and give to them their due consideration, a very few will be all to which we can afford any attention.

The historical part we shall not criticize—not certainly because we undervalue it—it is executed with great research and sagacity, and contains many brilliant and clear condensations, many striking comparisons and contrasts, and much valuable criticism, both historical and political—but simply because we have not room for it. From the practical portion, we shall select for examination a very few of the most important, or the most remarkable passages. Of the scientific portion, we shall endeavour to give an outline as full as is consistent, not with the importance of the subject, or of the treatise, but with our confined limits.

In the first chapter, Lord Brougham enquires into the origin of civil governments. He disposes summarily but efficiently of the rival theories of original contract, proprietary right, and prescription; and asserts that the rational foundation of all government—the origin of a right to govern, and a correlative duty to obey—is expediency—the general benefit of the community. In the second chapter, after stating the generally admitted proposition, that in every state there must be a supreme power, an individual or a body possessing authority in itself, legally absolute and uncontrolled, and that this authority may be exercised by acts, either legislative or executive, he proceeds, in the following passages, to give an outline of his subject, and to mark its principal divisions:—

'There are three great divisions under which governments, where they are of the simple and unmixed form, may be classed according to the hands in which the supreme power is lodged. It may be vested in a single person, or it may be vested in a particular class different from the bulk of the community, or it may be vested in the community at large. In the first case, the government is called a Monarchy; in the second, an Aristocracy; in the third, a Democracy.

'In order that any one of these forms of government should be pure, the supreme power should be vested in one of these three bodies or authorities exclusively, and without any control or check from any other. A

pure or absolute monarchy implies that the sovereign should have the whole power, legislative and executive, in his own person. If his power is shared, or if his functions are exercised subject to any control or check, the government is no longer purely monarchical, but in some degree mixed. In like manner, if the aristocracy shares its authority with the people at large, or allows any check over its operations to the people at large, or to any individual functionary *over whose creation it has no control*, the government is no longer a pure but a mixed Aristocracy—and so of a Democracy.

'It must, however, be kept in mind, that in order to detract from the purity of any of these forms, the supreme power itself must be actually divided, and not merely an arrangement made voluntarily by the party having the supreme power, and which only subsists during that party's pleasure.

'In a Monarchy, the choice by the sovereign of a council to aid him in his office, or to exercise a portion of his power, does not detract from his power, and does not render the government a mixed one. [So], if the sovereign can do whatever he pleases, except that the judges of his own nomination act for life—in other words, if all he is prevented from doing is judging causes in his own person—if he is independent of all other control in his legislative and executive functions, and only restrained by being obliged to judge through persons of his own nomination, even if these are named by him for life—we call it an Absolute, and not a Mixed Monarchy. The limitations arising from this judicial arrangement are plainly little more than nominal, because he may choose such tools as he can rely upon, and has no one to control or watch his choice.

'Again, the purity of the Democratic form is not diminished, by arrangements made for the purpose of enabling a people inhabiting an extensive territory to administer its own affairs. It may delegate for this purpose the Legislative, the Executive, and the Judicial power to individuals as to bodies; it may be satisfied that these should be vested in certain portions of the community, and none remain in the nation at large, except the choice of those ruling portions; and still the government is purely Democratic, and not at all mixed, because no body or individual exists in the community having power independent of the people—and because the people have not shared their own power with others over whom they have no control, but only deputed others to exercise their authority.' *

We doubt whether Lord Brougham adopts a convenient nomenclature, when he applies the epithet pure to a monarchy in which there are irremovable functionaries, or to a democracy in which the people act through representatives. How can an absolute monarch be *prevented* from judging causes in his own person? How can he be *obliged* to allow the judges whom he finds, or whom he has nominated, to retain their offices for life? The power that restrains or coerces him must at least be equal to

* Vol. i. p. 73 to 77.

his own, and in that case he is not, in fact, absolute—the constitution is not a pure monarchy. Again, if the people at large have retained, or rather have proposed to retain, no power but that of electing legislative and executive functionaries, it is clear that they hold that power merely at the will of those whom they have elected. The legislative body elected for three years, may pass a law that it shall sit for seven, or that it shall sit so long as it pleases, or that it shall be elected by only a portion of the people, or that it shall appoint its own successors, or that its powers shall be hereditary. If it be answered, that it would not venture to do so, the reply is, that the fear of resistance operates as a practical check on all governments whatsoever. Even in the purest democracy, the majority is controlled by the fear of provoking the resistance of the minority. But we have seen that there must exist, in every state, a supreme power uncontrolled by law. We are now enquiring as to the modes in which this supreme power may be distributed or collected, and for the purposes of this enquiry the question always is, what the individuals, or the bodies possessing a portion of this power, legally *can* do—not what they are *likely* to do; their ἐξουσία, not their δυναμις. Even if we suppose the delegation of legislative power to be partial as well as temporary—if we suppose that the people at large retains exclusively to itself, not merely the right of election, but also the power of altering the more important parts of the constitution—as is the case in the United States—can it be maintained, that the constitution remains equally democratic, whatever be the period for which that partial delegation is made? Can it be said, that if in one country the legislative and executive functionaries are elected for life, in another for twenty years, in another for ten, and in another every six months, the management of affairs in each country equally depends on the will of the people? And if the delegation of power for twenty years impair the purity of the democratic principle, so must, *pro tanto*, its delegation for six months, or for one month.

Lord Brougham admits, that if an aristocracy allows any check on its proceedings to an individual functionary, *over whose creation it has no control*, it is no longer a pure aristocracy. But if that check be effectual, it is *pro tanto* an introduction of the monarchical principle, even though the individual functionary be created by the aristocratic body. If, in a purely aristocratic government, the aristocratic body make a law appointing a President for life, and requiring his concurrence in all subsequent legislation, the government is from that instant partly monarchical. The will of an individual can now control that of the whole

community. Like the horse in the fable, the community has taken a bit into its mouth and a rider on its back. And the effect is the same in kind, though not in degree, whether the president be appointed for life, or for ten years, or for a month, whether he have an absolute or only a suspensive veto.

The result is, that to obtain a precise nomenclature, we must confine the term pure monarchy to the form of government in which an individual is legally omnipotent—the term pure aristocracy to the form which allows no legal resistance to the will of the select body—and the term democracy to the form in which there is nothing to suspend or impede the action of the will of the bulk of the community.

It follows also, that the only form which is frequently found pure is monarchy. There are few aristocracies without a doge or a president, exercising a temporary but real control. Still more rare is a pure democracy. It is impossible in any state which is not small enough to enable all the inhabitants to attend the place of meeting; and even where there are no physical objections, the moral ones are generally sufficient to exclude it.

The majority of the forms adopted by the civilized world do not belong exclusively to either of these classes, but admit the principles of all. They are not monarchies, aristocracies, or democracies, but mixed forms, in which it is often difficult to say whether the monarchical, the aristocratic, or the democratic principle prevails.

It may be advisable, however, to state more fully what we mean by each of these principles.

The monarchical principle requires little further explanation. It consists, as we have already remarked, in the subservience of the will of the whole community to that of an individual. It is not essential to monarchical power that this subservience should be universal, or even general: it is not essential even that the individual should have the power to command. If there are any acts in which his concurrence is necessary, and there is no authority that can legally force him to concur, his power to prevent is, for many purposes, a power to act, just as a power to forbid is often equivalent to a power to command. It is, however, essential that he should form a part of the legislative body, not merely as a member, but as an independent branch; or, in other words, that he should have a veto, permanent or suspensive. If he have not, his opposition may at any time be legally got rid of either by a law, or by an arbitrary executory act. The President of the United States, therefore, has monarchical power; he can resist, and indeed often has resisted, the will of the community. The Doge of Venice had not. In his highest functions

he was only a member of a council, unable to oppose the will of the majority.

The aristocratic principle consists in the possession of legislative power by a small body of persons.

The democratic principle consists in its possession, directly or indirectly, by a large number of persons.

These definitions are obviously vague. The excuse is, that the ideas which they express are vague. If we were to define the aristocratic principle as the influence of a minority, the democratic principle as the influence of a majority of the people, almost all the institutions which are usually called democratic must be called aristocratic. The only legal share in the government of France possessed by the people, consists in their right to elect the Chamber of Deputies. This is always held to be the democratic portion of the French constitution. But out of the thirty-four million inhabitants of France, not more than one hundred thousand are electors. Without doubt, the democratic element would be increased if the franchise were extended. But that the difference between the aristocratic and democratic principles consists rather in the positive number of the persons admitted to power, than in the proportional numbers of those admitted and excluded, will become evident; if we consider what would be the effect if the inhabitants of France were diminished, but the proportions of electors and non-electors preserved. If France contained only three hundred and forty thousand persons, of whom one thousand elected a legislative body, the institution would be aristocratic. On the other hand, if the British House of Commons were elected by the householders of the metropolis, it would still be a democratic, not an aristocratic institution, although the metropolitan householders constitute a small minority of the inhabitants of the British islands. The Ecclesia of Athens was a democratic assembly, though out of the four hundred thousand inhabitants of Attica, not twenty-five thousand had a right to vote. So far as the conduct of a body depends on their number, it must depend on their positive number, not on the proportion which that number bears to the number of some other class of persons. If that number be very large, it is subject to the contagion with which fear and hope, love and hatred—in short, all the passions—are propagated from mind to mind, and exaggerated as they are diffused. It is more generous and more cruel—more sanguine and more desponding—more rash and more easily frightened—more ready to undertake and more ready to abandon what it has undertaken—more confiding and more suspicious—more prone to erect idols and more prone to break them—than would be the case with the

individuals composing it, if they had to feel, and to think, and to act separately. It is likely, as its number increases, to contain a larger proportion of ignorant, violent, and uncultivated persons. It is likely, in short, to possess the qualities—some noble, but most of them dangerous, hateful, or contemptible—which belong to a mob. On the other hand, in proportion as the number is small, it is likely to be cool, selfish, and unimpassioned; to allow its perseverance to run into obstinacy and its caution into timidity; to be tenacious of old impressions and unsusceptible of new ones; to be steady in its sympathies and in its antipathies; to be sparing of reward and unrelenting in punishment; to be permanently grateful and permanently unforgiving; to be marked, in short, by the austere, respectable, but somewhat unattractive character which we associate with the name of a senate.

We have followed Lord Brougham in applying the term 'aristocratic' to the legislative influence of a small number of persons; but we should have preferred, if usage had permitted it, the term 'oligarchical.' The word 'oligarchy' is univocal, and is associated with no idea except that which it expresses. The word 'aristocracy' is often used to express mere excellence, without any reference to power—as when we talk of the aristocracy of talent or the aristocracy of learning. Derivatively, it means either the government of the best numbers of the society, or, according to Aristotle,* a government πρός τὸ ἄριστον τῇ πόλει—a government which endeavours to promote the welfare of the community, or the objects in the attainment of which the community thinks that its welfare consists. It has almost every defect, therefore, which an appellative can have. It is equivocal, it is associated with an extraneous idea, and its derivative meaning differs from both its received meanings. Its use, however, to express government by a few, is so established, that we think it, on the whole, best to retain it.

In the remainder of the first volume, Lord Brougham treats of pure or absolute monarchy—that is, of the form of government in which there is no legal restraint whatever on the will of the reigning individual. He divides pure monarchy into Oriental or despotic, and European or constitutional. In each, the monarch is absolute—in neither is there any direct legal check to his will; in each, therefore, the checks are indirect, but in the former the only indirect checks are religious opinions, and

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* *Pol*, lib. iii. cap. vii.

the fear of resistance; in the latter, to these checks are added habits and feelings among the people, the results of a former prevalence of the aristocratic or democratic principle, now obsolete or abolished, and institutions which the monarch, though he has legally the power to destroy them, does not venture actually to destroy.

We doubt the convenience of this distinction. It is a distinction founded on the nature, not of the forms of government in question, but of the people who are subject to them. It is like the distinction drawn by Aristotle between βασιλεια and τυραννις—the former being the absolute rule of one for the good of all, the latter, the absolute rule of one for his own benefit. Under the Antonines, as well as under Commodus, the Roman constitution was expressed by the maxim, *Quod principi placuit legis habet vigorem;* so, in Denmark as well as in Turkey, the will of the reigning individual cannot be legally opposed. The accidental circumstances, that the personal character of the monarch induced the Antonines to exercise their will beneficially, and Commodus to exercise his will mischievously, and that the character of the people, and the situation of the country, lead the despot, whatever be his personal character, to act very differently in Turkey and in Denmark, have nothing to do with the question, What is the form of government?

We think that the best mode of treating the subject would have been to consider pure monarchy, whether European or Oriental, as the same form of government, modified in its effects by the character of the people over whom it is exercised.

Lord Brougham's statement of the effects of absolute monarchy, when the state of society is favourable to their unmitigated development, is, as might be expected, eloquent and full. He describes the people as brutalized by fear, the despot by dominion, and all improvement as arrested by the jealousy of power. He enquires, whether pure monarchy have any redeeming qualities, and, with the single exception of a promptitude of decision and action, denies that it has any. But these he treats as doubtful merits, generally balanced by evils of the same kind with the advantages; promptitude of decision being often precipitate, and promptitude of action being impaired by want of means, occasioned partly by the deteriorating effects of despotism, and partly by its inability to call forth rapidly and fully the resources, such as they are, of its subjects. He does not exempt from his censure the influence of despotism even on the foreign concerns of a nation—its intercourse with other states, its treaties and alliances,

on the maintenance of peace, or the prosecution of war. 'To 'go no further,' he says, 'than the tendency of such governments towards war at all times, if in every other respect they 'were faultless, this would be their condemnation. War is emphatically the game of kings, and they will always love it, and, 'if absolute, will never cease to play at it, until the exhausted 'resources of their states, the fear of revolt, or the danger of 'being conquered, force them into quiet.'—(Vol. i. p. 151.)

That the monarchs who govern barbarous nations are prone to war, is true; and so are the rulers, and indeed the people in barbarous nations, whatever be the form of government. Uncivilized man is a beast of prey. The early history of every nation, democratic, aristocratic, or monarchical, is perpetual war. But when Lord Brougham attributes a peculiar tendency towards war to the monarchical principle—when he maintains that when a single individual has to decide on peace or war, he is more likely than an aristocratic body or a popular assembly to decide for war—we dissent from him.

What are the results of experience? Are the modern European nations pacific in proportion to their freedom? Is the peace of the world more endangered by Austria or by Prussia, than by France or by England? Have democratic institutions produced peace in America?

The motives to war are two—ambition and vanity. The one shows itself in the desire of an extension of territory or of influence; the other in the desire to acquire glory or avenge insult. The English people are free from ambition; perhaps they are the only great people that ever has been so. An English writer naturally associates the unambitious with the popular character of the government, and supposes that the former quality is the result of the latter. But the government of France is as democratic as that of England, perhaps more so, and yet she is absolutely mad with ambition. Nor is this peculiar to the present time. In proportion as the people of France have been able to influence their government, they have forced it on wars of conquest. The unprovoked conquest of Savoy was one of the first acts of the Convention; it was immediately followed by the incorporation of Belgium and the subjection of Holland. The conquests of Napoleon seduced the French to endure his oppressions, and make them now idolize his memory. The pacific policy of the Restoration was the great obstacle to its popularity. In the hope of pleasing the people, the government perpetrated the wanton invasion of Spain, and the experiment was successful. No sooner did the Revolution of 1830 lead the people to

believe their influence supreme, than they demanded war and conquest, the boundary of the Rhine and the retention of Algiers. Even within the last year, the government obtained some popularity by engaging in war with Morocco, and lost it again by dictating a triumphant but reasonable peace. That France is not now at open war in any part of the globe except Africa—that in Europe she is incurring only that portion of the evils of war which consists in the waste of the national resources on fortifications, armies, and fleets, and the discouragement of industry and commerce by the doubtfulness of the future—is altogether owing to the prevalence in her councils of the monarchical over the democratic principle.

If there be any portion of the world in which the desire of conquest is peculiarly irrational, it is America, where a population not greatly exceeding that of France is scattered over a country more than four times as large as Europe; and yet, throughout that hemisphere, ambition has been the curse of every state in which the influence of the people has become dominant. The democracy of the United States bullied Spain out of Louisiana, bullied Mexico out of Texas, rose *en masse* along their northern frontier in the hope of seizing the Canadas, and is now ready for war, in the hope of appropriating the Oregon country, two thousand miles from their own back settlements. As for the southern republics, no sooner had they freed themselves from the monarchical influence of Spain and Portugal, than they began to fight with one another for frontiers; and that in a country where the great evils are the paucity of people and the extent of territory.

If popular governments are prone to wars of ambition, still more are they to those of vanity. Let any practical diplomatist say, whether it be easier to induce a minister who represents the will of an absolute monarch, or one who depends on the majority of a popular assembly, to repair or even to confess a wrong, or to accept equitable terms of satisfaction or compromise. The reasons for this are numerous, and, we fear, not likely to be removed or even weakened. In the first place, the secrecy which covers the negotiations between monarchs saves their vanity. A concession is easily made where its only real evil depends on its publicity, and that publicity can be prevented. A victory is of little value when it is recorded only in the archives of a state-paper office. A popular government lives in the face of day, and has to apologise to its own subjects for every act of prudence or of justice. In the second place, an individual can generally be forced to hear both sides of the question. There are few disputes in which each party is not in some degree in the wrong, or in

which he can avoid perceiving that he is so; if once he be compelled to give a deliberate attention to all his opponent's arguments. The instant that this discovery has been mutually made, if there be no *mala fides*—that is to say, if the controversy arise not from ambition but from vanity, if it be the cause of quarrel, not its mere pretext—an accommodation is almost inevitable. A nation does not listen to reason. It cannot be forced to study both sides of a question, and never does so voluntarily. It reads only its own state-papers, its own newspapers, and its own pamphlets; it hears only its own speakers, it accepts all their statements of facts and of law; and holding itself to be obviously and notoriously right on every point, believes that it would be dishonoured in the face of all Europe by the slightest concession. Again, every popular government is infested by faction. It always contains one party, sometimes more than one, whose great, and sometimes whose principal object is the subversion of the existing ministry. The foreign policy of a ministry is generally its most vulnerable point. It is the subject about which the mass of the people always understand least, and sometimes feel most. If a minister be bold, the Opposition halloo him on to make extravagant demands, in the hope that he may be entangled by war or disgraced by retreat; if he be prudent, they accuse him of sacrificing the interests or the honour of the country, of surrendering to foreign ambition or quailing before foreign insolence. And lastly, there is in every nation in which the democratic element prevails, an important power whose immediate interests are opposed to peace, external as well as internal, and that is the daily press. A newspaper lives on events. It lives by taking of those events the view that agrees best with the passions and prejudices of the people. It pleases them best by stimulating their pride, their vanity, their resentment, and their antipathies. It is the demagogue of a nation of readers; and, like other demagogues, is generally popular in proportion to the violence and the mischievousness of its counsels.

It is true that an undue tendency to war, or at least an insufficient dread of its evils, is frequent in every government—whether the monarchical, the aristocratic, or the democratic principle prevail; but so far from believing that this defect belongs peculiarly to monarchical government, we believe that form of government to be, on the whole, less subject to it than any other, except perhaps a pure aristocracy.

We now proceed to consider the other of the two branches with which Lord Brougham has subdivided pure monarchies, namely, the monarchies which he terms constitutional—those in which the authority of the sovereign, though legally unfettered,

is moderated by popular habits or feelings, the relics of lost privileges, or by institutions which he cannot venture to abolish. Of these institutions the most important is an hereditary nobility. Lord Brougham treats it as the test which distinguishes constitutional monarchy from pure despotism.

We extract from Lord Brougham's statement of the effects peculiar to this form of government, the small portion for which we have room—

'A monarchy is naturally extravagant—it is splendid and it is expensive—it is reckless of the general suffering from the burdens of taxation; and it is prone to consider only the interests and enjoyments of courts and persons in authority. A richly endowed hierarchy—numerous governments of towns and provinces—a large military staff—in maritime countries expensive colonies—must all be kept up to provide for the nobles and their families, and their followers.

'The maintenance of a standing army, numerous, expensive, and well disciplined, is another charge upon all monarchies. Large armies are incompatible with the genius, almost with the existence, of a commonwealth. With the institutions of a pure monarchy they square perfectly—they are in complete harmony with its spirit.

'The whole arrangements of the state are modelled upon the monarchical footing. In a country where the public are wholly excluded from the administration of state affairs, they cannot safely be admitted to manage even their own local interests, because the habit of acting in these would inevitably beget the desire to interfere in the affairs of the community at large.

'The influence of the monarchical principle, but especially when combined with aristocracy, as in European monarchies it ever must be, tends to the establishment of a division of property, not very wholesome for public liberty, or for the character of the people, though attended with some redeeming consequences:—we allude to the rule of primogeniture. The law of entails is the abuse of the law of primogeniture; and their consequences are prejudicial to the happiness of families, as well as to the wealth and commerce of the country.

'The will of the court and upper classes becomes the law, and their habits the example for all. Court favour and the countenance of nobles are the objects of universal pursuit. No spirit of free speech or free action can be said any where to exist. Among the upper classes, those who are brought into immediate contact with power, fear prevails almost as much as in pure despotisms. The alarms, the suspicions, the precautions, prevalent in the society of the superior classes in Italy and Germany, are almost equal to any which can be observed in the courts of the East.

'The vigour of the monarchical government, both at home and abroad, is the quality most boasted of by its admirers; and to this it can lay claim from the unity of its councils, and the undivided force which it brings to their execution. But there is one virtue which this constitution and all monarchy possesses beyond any other—the fixed order of

succession by inheritance. In this respect it excels both despotisms and commonwealths. The former are constantly subject to revolution and violence; the latter are unstable from opposite causes; but monarchies, established by law and accompanied with regular institutions, have the hereditary principle of succession in perfection. That this rule leads to great occasional mischiefs there can be no doubt. Nevertheless, the dangers which are sure to result from suffering the place of chief magistrate to be played for by intriguing, or fought for by ambitious men, are so formidable as to make reflecting persons overlook all lesser risks in the apprehension of the worst of calamities, civil war. This is the redeeming quality of monarchy; it is far enough from leaving the question all one way, but upon the balance it gives a great gain."—(Vol. i. p. 357 to 363.)

We have already remarked that pure democracy is impossible in any country larger than an ordinary English parish; and there is no case in Europe, modern or ancient, in which any nation on the scale of the great European monarchies, has adopted enough either of the aristocratic or of the democratic principle, to entitle its form of a government to be described as an aristocracy or as a democracy, and has retained that form for a period sufficient to enable us to estimate its permanent effects. The modern American States, indeed, are essentially democratic; but the situation of the United States, without a formidable neighbour, is too peculiar; and the independence of the others is too recent, to allow them to be used as fair objects of comparison. It is impossible, therefore, to infer from actual experiences whether, if thirty, or twenty, or ten millions of persons constituted one nation, with a government essentially aristocratic or essentially democratic, and surrounded by other powerful states, that government would have a less tendency to extravagance, to the maintenance of large standing armies, to centralization, or to primogeniture, than is now the case with Austria or Prussia. As direct proof is unattainable, we will enquire into the results, on each point, of analogical reasoning.

First, as to extravagance. The mixed governments of Europe, those which are distinguished from its absolute monarchies by a strong infusion of the aristocratic or democratic principle, are in general also distinguished by their greater public expenditure. The expenses of the Danish, the Prussian, or even the Austrian court, are insignificant, compared with those of the courts of England or France; or indeed, if the extent of territory and population be compared, of Holland. The amount of the annual taxation compared with the population, is more than three times as great in each of the three mixed governments, as it is in any of the three absolute governments. There is, indeed, one great source of expense in mixed governments,

from which absolute governments are comparatively free—the creation of offices for the sake of patronage. An absolute monarch can give money, and that is always the cheapest way of rewarding or buying. In a mixed government, a place is created or retained, duties are attached to it—generally useless, often mischievous; still, as they are troublesome, they must be remunerated, and a claimant who would have been satisfied with L.100 a-year as a pension, must have L.300 on the condition of residence and employment. It is thus that England retains its three hundred Ecclesiastical Courts. Every one admits that two hundred and ninety-nine of them are instruments for the creation of trouble, delay, and expense. An absolute government would sweep them away by a decree of ten lines. Every year the mixed government of England attacks them, and is repulsed.

Second, The amount of the standing army of a nation seems to depend little on the form of its government. The largest in proportion to its population is that of Holland; the next is that of France; the smallest is that of China. When Spain and Portugal were absolute monarchies, their standing armies were trifling, and so are those of most of the Italian monarchies. Ireland, with eight millions of people, requires a standing army more than twice as large as is necessary in Great Britain, with a population of above twenty-one millions.

Third, Again, with respect to centralization. France, under a mixed government, is incomparably more centralized than she was under an absolute monarch. The local administration of Spain under her absolute kings was almost democratic. So was that of Norway, when she formed part of the absolute monarchy of Denmark: So is that of India, though she has been ruled by absolute monarchs for twenty-five centuries. An Indian village scarcely knows the existence of its monarch except through his revenue-officers. The fortunes and lives of the inhabitants are at his mercy; but while his taxes are paid, he abstains from all interference. The tendency of the British government is at once towards democracy and centralization; and every advance towards the former is generally accompanied by a much greater advance towards the latter. So far from believing that the exclusion of the people from political power is likely to exclude them from the management of their local interests, we are inclined to think that an absolute government, partly to avoid trouble, partly to avoid expense, and still more from carelessness, is more likely than any other to abandon to the parishioners what it considers the trifling matters of the parish.

Fourth, Primogeniture is natural only in a peculiar state of so-

ciety, that in which the possession of land gives political power, proportioned in some measure to its extent or value; and even then seldom exists except among the owners of land. It is essentially an aristocratic custom. In Oriental despotisms, therefore, where the land is generally the property of the sovereign, it is unknown. It is rare in the United States of America, except in the Southern States, where a proprietor can vote for his slaves. It is rare in the British islands, excepting among the high landed aristocracy. No man with a fortune consisting of L.20,000 in the funds, or even of a landed estate worth only L.20,000, thinks of making an eldest son. Even if it were lawful in France, it probably would be uncommon. The aristocratic element is so weak in France, that the slight amount of political power which a man could secure to his son by leaving to him his whole property, would seldom be sufficient to conquer his natural feelings of parental justice. The prevalence of primogeniture in the absolute European monarchies, arises from the former prevalence among them all of the aristocratic element. The monarchs have always endeavoured to restrain it. In England, perpetual entails were abolished by the Tudors, the race under whom the monarchical element was strongest. In Scotland, where the aristocratic element has always been more powerful than in any other part of the British islands, a larger proportion of the land is subject to perpetual primogeniture than in any country in Europe, except perhaps some parts of Germany.

We cannot think, therefore, that either extravagance, standing armies, centralization, or primogeniture, flow naturally from the monarchical principle. And we must add, that even if we thought monarchy peculiarly favourable to these three latter institutions, we should not treat that tendency as necessarily a vice. Standing armies, indeed, may be too large, and centralization may be excessive; and such is generally the case on the Continent of Europe. But they each may be deficient. The standing army of America is insufficient to keep her at peace at home or abroad, to prevent her inhabitants from injuring one another, or from attacking her neighbours. The local authorities of England are the seats of ignorance, selfishness, jobbing, corruption, and often of oppression. Every diminution of their power has been an improvement; and, if we had room, we could show that the case is the same as to primogeniture. Both the power to entail, and the wish to exercise it, may certainly be excessive, as we think they both are in Scotland and in Germany; but both or either of them may be deficient, as we think they both are in France and in Hindostan.

We agree with Lord Brougham that the influence of absolute monarchy, even when tempered by European civilization, is unfavourable to the character of its subjects. We agree with him that it is destructive of free action, and, to a certain degree, of free speech, and that it impairs most of the manly and independent virtues. But we do not believe that 'the alarms, the suspicions, and the precautions prevalent in the society of the superior classes in Italy and Germany, are almost equal to any which can be observed in the courts of the East.' That where every man of eminence is conscious that he hates the existing government, and is anxious to subvert it, he should be always on his guard against betraying his feelings and his wishes to the distributors of punishment and favour—and that the government itself, knowing that all the ground beneath it is mined, should be always on the watch for an explosion—all this is inevitable in countries which have been recently the scenes of revolutionary movement; and where the sovereign owes his power to conquest, or to foreign support, or to promises treacherously evaded or shamelessly broken. But this state of mutual alarm, suspicion, and precaution, is not a necessary incident to the absolute European monarchies. It does not exist in Prussia, or in Denmark, or in the German provinces of Austria, or, in fact, in any portion of Europe, except parts of Russia, Poland, and Italy. On political subjects, without doubt, there is less freedom of speech in Vienna or in Berlin than in Edinburgh or in London; but there are other subjects on which there is much more; and we believe that it would be safer to talk Chartism in Naples than Abolition in New Orleans.

We fear that we shall be thought paradoxical if we suggest some doubts as to the superiority which Lord Brougham ascribes to the principle of succession, over that of election, in absolute monarchies. In limited monarchies, where the King reigns but does not govern—where he has only to accept the ministers who can obtain a parliamentary majority, to sign whatever they lay before him, and to receive their resignations when they find it necessary to retire—there is scarcely any drawback to the advantages of hereditary succession. The sovereign's great office is to be a keystone, merely to fill space—to occupy the supreme station, in order to keep others out of it. He may be—perhaps it is better that he should be—the person in his kingdom who knows least, and cares least, about politics. His personal character is comparatively unimportant. We say comparatively; because, even in the most limited monarchy, the social influence of the sovereign for good or for evil is considerable. His habits and tastes are always matters of notoriety, and often of imitation.

Access to his society is always coveted. He may give that access in a manner useful, or mischievous, or absolutely indifferent. He may call to his court those who are most distinguished by genius or by knowledge; or those whose only merit is their birth or their station; or parasites, buffoons, or profligates. Even in the appointment of ministers, he may sometimes exercise a sort of selection. He is sometimes able to delay for a short period the fall of those whom he likes, and the accession of those whom he dislikes; and he can sometimes permanently exclude an individual. But even these powers he can seldom exercise unless in a state of balanced parties. If one party have a decided ascendency in the legislative assemblies, and in the constituencies, the limited sovereign is little more than a phantom; and there can be no doubt that it is better that a phantom should be hereditary. An absolute King always is, or ought to be, a substance. Supposing such a monarch to covet the leisure, the quiet, and the irresponsibility of a limited King—to desire that the fittest persons should be his ministers, and manage public affairs without his interference—how is he to discover who are the fittest persons? How is he to avoid appointing or retaining persons positively unfit? He has no parliament to direct his choice—no opposition to expose the errors of those whom he has chosen; he cannot mix in society, and hear the independent voice of public opinion. Even the press gives him little assistance; first, because a free press probably cannot exist—certainly never does exist—in an absolute monarchy; and secondly, because the press is never a well-informed, an impartial, or even an incorrupt adviser. A King governed by newspapers would resemble a Judge who should allow himself to be influenced by anonymous letters. There is one mode, and only one mode, by which he can satisfy himself that his ministers are fit for their office; and that is, by giving up his scheme of non-interference, and performing himself a great part of their functions. Every absolute King who is an honest man, must be in constant communication with the heads of every department—he must take part in every council—he must exercise his own judgment on every important measure—he must, in short, be the chief of his own cabinet. But if the exercise of the art of government—the most important, the most complicated, and the most difficult of arts—the art which requires most knowledge, most intellect, and most virtue—is advisedly to be thrown upon a person appointed by accident, and, as Lord Brougham has well remarked, probably rendered by education even less fit than he was by nature, some vast advantage must counterbalance these enormous evils.

Lord Brougham finds this advantage in a diminution of the

chances of civil war. But does this advantage really exist? If Europe possessed a universal, a well known, and an unalterable law of hereditary royal succession, and if the facts calling that law into operation were always certain and always notorious, so that, on the decease of a King, there never could be a doubt as to his legitimate successor, we should have, what Lord Brougham terms, 'the hereditary principle of succession in perfection.' But it is obvious that such a law does not exist, and cannot exist. In some absolute monarchies, the law of succession excludes females—in others it excludes foreigners—in all it excludes bastards—and in all it necessarily can be altered by the reigning monarch. If the Salic be the existing law, and the monarch has only daughters, he abolishes it, like Ferdinand VII. of Spain. If it admit females, and the reigning monarch wishes to exclude them, he abolishes it, and introduces the Salic law, like Philip V. of Spain. In each case a civil war is probable. If he have no issue, he adopts—if his issue be illegitimate, he legitimatizes it. Even if it be legitimate, its legitimacy may be contested, and the peace of the kingdom may depend on a mixed question of law and fact, in which every element of the decision may be doubtful. The children of Kings generally make royal marriages, and the party who ascends, or becomes likely to ascend a foreign throne, is generally required, before he leaves his own country, to renounce all claims to its succession. Is such a renunciation binding on the renouncing party? Is it binding on his issue? Those who might claim if there had been no renunciation, always maintain that it is not—those who claim against it, that it is; and the consequence is, as in the case of the Spanish succession after Charles II., a complication of foreign and civil war. Again, most monarchies are composite, and the different parts are subject to different laws of succession. Females succeed in Jutland, and are excluded in Holstein. If the Prince-Royal of Denmark should die, as will probably be the case, without male issue, will the kingdom of Denmark be dismembered? If kept entire, will it be at the expense of civil war? Or will the result be an unopposed usurpation, like the retention of Sardinia and Montserrat, both female fiefs, by the present King of Piedmont, in disregard of the claims of his predecessor's daughter? If we compare the wars of succession, foreign and civil, which have laid waste Europe, between the Norman Conquest and the French Revolution, it will be found that they exceed all other wars put together in number, and still more in duration. A war of succession is the most lasting of wars. The hereditary principle keeps it in perpetual life—a war of election is always short, and never revives.

On the whole, if it were possible to keep an absolute monarchy elective, we should hold that form of government, bad as it is, to be more conducive to the welfare of the people than an absolute hereditary monarchy. It secures the object of monarchy—the management of public affairs by one strong will and one sagacious intellect. No English monarch equalled Cromwell or William III.—no French monarch Napoleon or Louis Philippe. Absolute hereditary monarchy secures nothing—not even, as we have seen, undisputed succession. But, excepting in one peculiar case, no absolute monarchy can remain elective. The monarch has, by supposition, the power to render his throne hereditary; for, if he have not that power, he is not absolute. If he have it he will exercise it. Even Marcus Antoninus delivered the whole civilized world to Commodus. The difficulty was long ago stated by Aristotle—'It has been supposed,' he says, 'that a King 'having the power to make his son his successor, may not exer- 'cise it. But this cannot be believed. It would be an act of 'virtue of which human nature is incapable.'—(*Pol.*, lib. iii. cap. xv.)

The exception to which we have referred, is that of the Roman Catholic Ecclesiastical monarchies. Of these monarchies, so numerous until the end of the last century, we believe that the Papacy alone remains. It is the only one which Lord Brougham has thought worthy of his attention; and yet the others deserve to be mentioned, on account at least of their number and their durability. In Germany alone there were seventy up to the close of the last century. Many were considerable—three were Electorates. In many of them the succession of archbishops or bishops, or abbots, or abbesses—for in several of them the ruler was a nun—lasted for more than one thousand years, uninterrupted by foreign violence or by revolution. And yet nothing could be more absurd than the system of election. A man qualified himself for the exercise of the highest legislative and executive functions by renouncing the world, by studies which have no connexion with its affairs, by unacquaintance with men and with things. The electoral body consisted in general of persons similarly educated, and so did all the executive functionaries; so that unfitness seemed to be the qualification for office.

These strange governments, however, were not unpopular. It was thought good to live under the crosier. They were regretted while those who had experienced them lived. The elective sovereign must in general have been a man of some distinction. He had not been spoilt by the early possession or the early prospect of power, and he was often anxious to dignify, by some acts of permanent utility, a dynasty which began and ended with himself.

Omitting, for the reasons already given, the remainder of the first volume as historical, we proceed to the second, which treats of Aristocracy.

Lord Brougham defines aristocracy to be the form of government 'in which the supreme power is in the hands of a portion 'of the community, and that portion is so constituted, that the 'rest of the people cannot gain admittance, or can gain admit- 'tance only with the consent of the select body.'—(Vol. ii. p. 1.) He does not lay down any ratio of the governing, to the excluded portion of the community, as essential; and as he admits that the exclusion of the Roman Catholics, by the penal laws, did not render the government of Ireland an aristocracy, and that the exclusion of slaves did not render Athens, and does not render Virginia aristocratic, it follows, that he does not consider a government an aristocracy, although the supreme power is in the hands of a minority *relatively* small, if the number of persons constituting that minority be *positively* great. But it must be admitted that the words of Lord Brougham's definition are more extensive; and so are the words of every definition of aristocracy that we have seen. We believe that the best corrective of the established nomenclature would be, to introduce a cross division, and to divide governments not only into monarchical, aristocratic, and democratic, with reference to the possession of power by one, by few, or by many; but also into *exclusive* and *non-exclusive*, with reference to the admission to power, or exclusion from it, of particular classes. Pure monarchies are, in one sense, the most exclusive, since all power is concentrated in the prince. In another sense they are the least so, since he can delegate, or even transfer it, as he pleases. All other forms are more or less exclusive. Wherever slavery prevails, slaves are excluded. With a very few exceptions, one of which occurs in an Anglo-American state, women are always excluded. In most governments, persons bound by a foreign allegiance are excluded, though there is now an example in Europe of a person who is a King in one country and a Peer in another—who exercises in one, supreme legislative and executive authority, and in the other, can merely vote and protest. In many countries, all who do not profess a particular form of religion are excluded; in many, all who do not belong to a certain race; in still more, all who do not possess a certain amount of property or income. The representative institutions of France are democratic, but highly exclusive. They are democratic, because they give political power to a very large number of persons. They are exclusive, because they deny that power to a much larger number. The English House of Lords is an aristocratic institution—it gives power to a small

number of persons. It is very slightly exclusive, since it is open to all males professing Christianity, and born in the British allegiance.

The most convenient definition of a pure aristocracy then is, the form of government in which the whole legislative power is vested in a small number of persons, without any legal control by the people at large, or by any individual. Such aristocracies are, as Lord Brougham remarks, rare; but as the aristocratic element is widely diffused, it is an important subject of investigation; and the best mode is that which he has adopted, namely, to ascertain the qualities of a pure aristocracy, and thence to infer the influence of the aristocratic element in mixed governments. The vices ascribed by Lord Brougham to aristocracy are, that it places the government in the hands of persons, 1. irresponsible; 2. uninfluenced by public opinion; 3. affected by interests differing from those of the community at large; and, 4. peculiarly unfitted by education for exercising the high functions of their station.

> 'The training,' he says, 'of patricians, next to that of princes, is peculiarly adapted to spoil them. They are born to power and pre-eminence, and they know that, do what they will, they must ever continue to retain it. They see no superiors; their only intercourse is with rivals, or associates, or adherents, and other inferiors. They are pampered by the gifts of fortune in various other shapes. Their industry is confined to the occupations which give play to the bad passions. Intrigue, violence, malignity, revenge, are engendered in the wealthier members of the body and the chiefs of parties. Insolence towards the people, with subserviency to their wealthier brethren, are engendered in the needy—too proud to work, not too proud to beg; mean enough to be the instruments of other men's misdeeds, base enough to add their own.'—(Vol. ii. p. 55.)

He adds, that it is the tendency of aristocracy to produce among the people a general dissoluteness of manners, eagerness in the pursuit of wealth, and extravagance in its employment; and 'not only to vex and harass, but to enslave men's minds. They 'become possessed with exaggerated notions of the importance 'of the upper classes; they bow to their authority as individuals, 'not merely as members of the ruling body—transferring the 'allegiance which the order justly claims, as ruler, to the indi'viduals of whom it is composed; they ape their manners, and 'affect their society. Hence an end to all independent, manly 'conduct.'—(Vol. ii. p. 57.)

We regret that the necessity of curtailment has prevented our inserting more of this passage. Much of the great vigour and vividness of the original depends on its developments and illus-

trations. But we have extracted enough to show its great merit rhetorically as well as philosophically; and it has the additional value of being testimony. The author belongs to the class which he describes—he paints those with whom he lives. But if we examine the picture in detail, it will be found that many of its features belong not to the institution itself, but to the forms which it has most usually assumed, particularly in modern times; or to other institutions with which it is only occasionally and accidentally connected. Thus the distinctness of the interests of the ruling body from those of the community at large, belongs to all governments in proportion, not as they are aristocratic or democratic, but as they are exclusive. It was its exclusive, not its aristocratic character, which occasioned the Protestant government of Ireland to be mischievous. So the slave legislation of the southern Anglo-American states—perhaps the legislation by which the interests of the great majority of the inhabitants of any country have been most cruelly and most shamelessly sacrificed—is the legislation of a government eminently democratic. So Lord Brougham treats as aristocratic the unjust advantages given by British legislation to landowners; but they arise from the exclusive, not from the aristocratic elements in the British constitution—not from power being in the hands of a few, but from almost all who do not possess land being excluded from it.

If we suppose the supreme power to reside in a senate sitting only for life, but itself, as was the case with most of the ancient senates, filling up its vacancies—such an institution would be aristocratic; but, as it would not be necessarily exclusive, it would not necessarily be governed by interests distinct from those of the community at large. Nor would 'the education of the rulers be 'such as peculiarly to unfit them for worthily exercising the high 'functions of their station.' This was not true of the Roman senate. It is not true of any aristocracy which is not hereditary. Nor would the tendency of such an aristocracy necessarily be to promote general dissoluteness of manners, self-indulgence, and extravagance; or, on the other hand, rapacity. Indeed, the opposed, but not inconsistent, vices of prodigality and rapacity, seem to belong more to democratic governments, in which wealth is the great source of distinction. No community is so stained by them as Anglo-America. And lastly, as it appears that 'in-'solence, selfishness, and luxurious indulgence' do not necessarily belong to an aristocracy, it is not necessarily subject to the odium which, according to Lord Brougham, (p. 56,) these vices inflict on it.

In fact, nearly all these censures affect not aristocracy but a

privileged order—an institution which may exist under any form of government except a pure democracy, and need not possess power legislative or even executive. The nobiesse of France, while her monarchs were absolute, had all the qualities which Lord Brougham has described as patrician. It was ill-educated, selfish, and luxurious, born to pre-eminence, insolent to its inferiors and submissive to its master, and became to its fellow-countrymen an object of admiration and of imitation; but at the same time, of hatred so intense, that the main purpose of French legislation for the last fifty years has been to prevent its re-establishment. But though such an order could not have existed unless it had once possessed political power, yet at the time of which we are speaking that power was gone. All that remained were some traditionary rights, which as soon as they were attempted to be employed melted away. Its immunity from taxation, its social distinctions, its monopoly of the higher military, diplomatic, and household offices, its pensions and its ribands, it owed merely to custom, and to the will of an absolute master that the custom should continue. It was not an aristocracy, or even an aristocratic institution. On the other hand, the French Chamber of Peers is an aristocratic institution. It is a small body of persons possessing a portion of the supreme legislative power. But of the six aristocratic defects enumerated by Lord Brougham, only the first, the absence of individual responsibility, belongs to it.

Lord Brougham now proceeds to enquire whether the aristocratic institution possesses any virtues to be set in opposition to so many imperfections.

'There cannot,' he says, 'be any doubt that the quality of firmness and steadiness of purpose belongs peculiarly to an aristocracy. The very vices which we have been considering lead naturally to this virtue, and it is a very great merit in any system of government. A system of administration, a plan of finance, a measure of commercial or agricultural legislation, a project of criminal or other judicial administration, may seem to have failed, yet the patrician body will give it a further trial. They adopted it on mature deliberation, and not on the spur of a passing occasion; they will not be hastily driven from it. Akin to this merit is the slowness with which such a government is induced to adopt any great change. Indeed, resistance to change is peculiarly the characteristic of an aristocracy; and the members of the ruling body and their adherents obtain at all periods, in a greater or less degree, the power of stemming the revolutionary tide. This makes them equally resist improvements; but it tends to steady and poise the political machine. The history of our own House of Lords abounds in examples of these truths. But for their determination to resist measures which they deemed detrimental to the state, or to which they had objections from a regard for the interests

of their own order, many measures of crude and hasty legislation would have passed in almost every parliament.'—(Vol. iii. p. 57-58.)

To these merits of aristocracy he adds that it is pacific, partly from dislike of change, partly from military unfitness, partly from jealousy of military eminence, and partly from the want of individual ambition; that it encourages genius in arts and in letters; that it excites and preserves the spirit of personal honour; and that it is favourable to order and subordination.

To a certain degree it appears to us that Lord Brougham again attributes to aristocracy, as a form of government, effects—such as a high sense of honour and refined taste—which are the results of the existence of a privileged order; an institution which, as we have already remarked, is as consistent with an absolute monarchy or a mixed government as with an aristocracy. An aristocratic government without a privileged order would not contain persons sufficient in number to affect materially the general tone of society. If its members sat only for life, they would carry into it the feelings of the classes from which they were taken. Nor do we agree with him as to the beneficial influences of aristocracy on the fine arts or on letters. The greatest works of the arts which address the eye belong to absolute monarchies, the next greatest to democracies. The Pharaohs built Thebes and the Pyramids, the Moguls Agra and Delhi, a Roman Emperor the Coliseum, a Democracy the Pantheon. Of the Italian works of the fifteenth and sixteenth centuries, referred to by Lord Brougham, the greatest belong to the absolute monarchy of the Popes. The poorest period in English history, that which produced the fewest men eminent in arts or in letters, was the period during which the aristocratic element was predominant—the reigns of the first three Georges.

That an aristocratic government is pacific is true; it is pacific, not only from the reasons mentioned in the text, but also from its prudence and its want of passion. It is equally true that it is eminently firm, steady of purpose, and averse from change. These are the qualities which render the aristocratic element a necessary part of a well-framed government. It gives bone to the constitution. But in politics as in physiology, there is no disease more certainly fatal than ossification. Lord Brougham uses our House of Lords as an example of the utility of a body in perpetual resistance to change. Admitting, as he fairly does, that it has frequently stood in the way of improvements, constitutional, economical, and administrative, he seems to think that great advantage has arisen from 'its having had, during the last ten 'years, a preponderating share in the government of the coun'try.'—(Vol. ii. p. 59.)

That the House of Lords has prevented much evil there is no doubt. But how much good has it prevented? How much evil has it prolonged? How much has it created? Without referring to the long period in which, under the domination of Lord Eldon, it steadily defeated almost every legal and administrative improvement, it is to the House of Lords that we owe the present state of Ireland. Had it allowed the House of Commons in 1825 to grant Catholic emancipation, and a provision for the Catholic clergy, the British islands would now have been morally as well as legally an united kingdom. One of the worst effects of this hostility to change, is its tendency to produce the most complete of all changes—a revolution. With one remarkable exception, that of Venice, pure aristocracies have been the most short-lived of governments. They are barriers behind which abuses accumulate until the whole structure suddenly gives way.

It is remarkable that, in his statement of the virtues of aristocracy, Lord Brougham includes only its moral virtues. He gives it no credit for peculiar talent, knowledge, or skill. This may arise in part from his generally assuming it to be hereditary. But the members of even an hereditary aristocracy are likely to possess far more than average political knowledge. Politics constitute their profession; and we agree with Lord Brougham, that they are the only class among whom it is to be wished that the political profession should exist. The selected members of an aristocratic body—and there are many such bodies in which all, and very few in which none, are selected—are generally men of eminent talent. The most distinguished body in the United States is the Senate, in France the House of Peers, and, according to Lord Brougham, the British House of Lords possesses a general superiority 'in capacity, in learning, in calmness, and in 'statesmanlike views of both foreign and domestic policy.'—(Vol. iii. p. 65.)

To this must be added experience; not merely the personal experience of its members, most of whom have passed a political life, but the experience which belongs to the body itself. A legislative body which never dies, which is recruited by insensible additions and substitutions, acquires a traditional wisdom exceeding that of the individuals who compose it. The correct appreciation, too, which those individuals obtain of one another, gives the lead to those who are best fitted for it. A newly constituted assembly is likely to exhibit less, an ancient one to exhibit more, than the average intelligence and knowledge of its members.

We now proceed to the third of Lord Brougham's great divisions—Democracy. He defines democracy to be, 'the consti-

'tution which allows the superior power to reside in the whole 'number of citizens, having never parted with it to a prince, or 'vested it in the hands of a select body of the community, from 'which the rest are excluded.' -(Vol. iii. p. 2.) Inattention to the cross division of exclusive and non-exclusive, which, as we have remarked, runs through all forms of government, as it rendered Lord Brougham's definition of aristocracy too wide, renders this too narrow. It comprehends no exclusive form. Lord Brougham endeavours to meet this difficulty by considering democracies as less or more pure as they are more or less exclusive. But, for scientific purposes, though there may be degrees of impurity, there cannot be degrees of purity. Whatever is not perfectly pure is impure. If a definition of pure democracy be necessary, we think that the most convenient one would be—the government in which supreme legislative power is vested in a large number of persons, without any participation or any control on the part of any other body, or of any individual. But, as we have already said, such governments, if they have ever existed, are so rare, that we prefer considering, not democracies, but the democratic principle; which we have already defined to be the possession of legislative power, directly or indirectly, by a large number of persons. Lord Brougham re-affirms that the constitution is not the less democratic, because the people legislate only through representatives. We must repeat our dissent. The delegation of legislative power is, *pro tanto*, a suspension of it. It substitutes, *pro tanto*, the will of a few for that of many. In proportion to the period of delegation, the opinions and wishes of the delegates, however complete may have been their coincidence, at the time of delegation, with those of their then constituents, are likely to deviate from those of their constituents for the time being. The first reformed House of Commons represented the feelings and wishes of its existing constituents more completely, probably, than any previous, or indeed any subsequent, House. But, if it had been entitled to sit for fourteen years, would it now represent them? Delegation certainly does not destroy, but it weakens the democratic principle; and we consider all governments in which it prevails, as aristocratic or mixed. Aristocratic, if the delegating body be a small one, as was the case in Venice; mixed, if the delegating body, though perhaps itself a minority, be large, as is the case in France and in the American slave-states. Consistently with his own nomenclature, Lord Brougham has considered the subject of Representation under the head of democracy. In pursuance of ours, we reserve it until we come to mixed governments.

Lord Brougham sums up the virtues of the purely democratic system under nine heads. Of these, five—namely, its tendency to render administration pure, to promote political discussion, to diminish civil expenditure, to render the resources of the state available for its defence, and to force individuals to respect public opinion—must be at once admitted. The remaining four we will briefly consider, using Lord Brougham's words, but somewhat changing his arrangement.

'1. The fundamental peculiarity,' says Lord Brougham, 'by which this is distinguished from other forms of government is, that the people having the administration of their own concerns in their own hands, the great cause of misgovernment, the selfish interest of rulers, is wanting; and if the good of the community is sacrificed, it must be owing to incapacity, passion, or ignorance, and not to deliberate evil design. The sovereign in a monarchy pursues his own interest; the privileged body in an aristocracy that of their order, or of its individual members. No such detriment can arise in a purely popular government. At least, the chances are exceedingly small, and the mischief can only arise from some party, or some individuals, obtaining so much favour with the people at large as to mislead them for their own ends; a thing of necessarily rare occurrence, because there will always be a conflict of parties, and the people are prone to suspicion of all powerful men.

'2. No risk is run of incapable or wicked men holding the supreme direction of affairs, either in the legislature or in an executive department. No infant in the cradle, no driveling idiot, no furious maniac, no corrupt or vicious profligate, can ever govern the state, and bring all authority into hatred or contempt.

'3. The course of legislation must always keep pace with the improvement of the age. The people always communicate to the laws the impression of their own opinions. No sinister interests can interfere to check the progress of improvement. No prejudices of one class, no selfish views, have any weight.

'4. The personal ambition of an individual, his feelings of slighted dignity, his sense of personal honour, as well as his desire of aggrandizement, have no place under this scheme of polity. Had the virtuous Washington himself become enamoured of military glory, and desired to extend the dominion of republican institutions over Canada or New Spain, the people would have speedily taught him that war is a game the people are too wise to let their rulers play.'—(Vol. iii. p. 109—111—110.)

We have already stated our reasons for believing the democratic element to be far more favourable to war than either of the others. The reference made by Lord Brougham to the United States is unfortunate. They have already extended the dominion of republican institutions over a portion of New Spain; and if the popular will had been omnipotent, would have seized Canada. Nor can we agree with him in ascribing to democracy

a peculiar exemption from legislation unjust or unenlightened; or from the domination of persons morally or intellectually unfit for power. Where the democratic element prevails in an exclusive constitution, laws are often made for the express purpose of oppressing the excluded classes. And when there is no legal exclusion, a democratic majority is often a grievous tyrant to the minority. In the southern states of the American union, the slaves are oppressed; in the northern states, the rich; in all, the people of colour. In the Swiss cantons, consisting partly of a town and partly of a rural district, the popular assembly, if the town interest prevail, tries to oppress the country; if the country interest, to oppress the town; and as the oppression of one portion of the community is always injurious to all, the good of the community is in fact 'sacrificed to deliberate evil design.' That Lord Brougham, with history open to him, and in fact having studied her pages diligently—with Athens and Rome representing the past, and Ireland and Canada the present—should gravely say that the chances are exceedingly small that some party or some individuals will be able for their own ends to mislead the people at large, is incomprehensible.

We admit that the people will always communicate to their legislators the impression of their own opinions; but for that very reason we do not believe that, where the democratic element is the strongest, and still less where it is the only one—and Lord Brougham is now speaking of pure democracies—the course of legislation will keep pace with the improvement of the age. In every country, there are a few individuals whose political wisdom far exceeds that of the mass of their fellow-countrymen. In a monarchy, or in an aristocracy, it is possible that they may guide or even constitute the government. In a democracy, it is not. The majority of every nation consists of rude, uneducated masses;—ignorant, intolerant, suspicious, unjust, and uncandid; without the sagacity which discovers what is right, or the intelligence which comprehends it when pointed out, or the morality which requires it to be done. Does any one believe that the public conduct of America, her ambition, her quarrelsomeness, or her dishonesty, reflect the intellectual and moral advance of the country? That advance is as great in America as in Europe. Their best men are equal to ours. The mass of the people is superior to any European population. But the democratic element has become triumphant; and its influence has been shown by popular violence, by international litigiousness, by anti-commercial Tariffs, and by Repudiation. So far from there being, in a democracy, no risk of wicked men holding the supreme direction of affairs, we believe that it is a

danger to which even absolute monarchy is hardly less exposed. How else has demagogue been a byword of reproach, from the times of Cleon to those of Marat?

Lord Brougham's enumeration of the vices of democracy is executed with great spirit; but as we generally agree with it, and as the substance had often been said before, though seldom so well, we will dwell on only one of its points. 'There is one 'establishment,' says Lord Brougham, 'which appears incom-'patible with democracy, and that is a system of religious instruc-'tion endowed and patronized by law, with a preference given to 'it by the state over all other systems, and a preference given to 'its teachers over the teachers of all other forms of belief—in 'other words, a religious establishment.'—(Vol. iii. p. 126.) He assigns as the grounds of this incompatibility, first, the reluctance of the dissenting portion of the community to contribute to the diffusion of what they believe to be religious error. And, secondly, that an establishment supposes a clerical order possessing great personal weight, endowed by the state, but unconnected with the government; and that the existence of such an order is wholly repugnant to democracy. To ascertain whether this be a virtue or a vice of democracy, he enquires into 'the virtues and 'vices of religious establishments;' or rather compares their vices with those of the voluntary system.

He states the objections to an establishment to be three. First, that to be compelled to support a religion which a man conscientiously disapproves, is a serious grievance; secondly, that an establishment always gives to the government secular support, and becomes itself, therefore, subject to secular influences; and thirdly, that it tends to the restraint of freedom of speech and thought, to intolerant practices, and to the destruction of general improvement.

He then enumerates five objections to the voluntary system. First, that if the people were left to supply themselves with religious knowledge, many of them, and among these the classes which most require it, would often remain without it; secondly, that 'if the people are to provide for the support of their own 'pastors, so must they select them also;' thirdly, that it promotes among the people the most dangerous of all excitements, religious excitement; fourthly, among the clergy religious fanaticism; and fifthly, political agitation. He then decides that the disadvantages of the voluntary system preponderate; and consequently that the absence of a religious establishment is among the defects of democracy.

It is obviously impossible that, within our limits, we should discuss the many questions thus raised; but we cannot refrain from

considering a few of them. In the first place, the word 'establishment' is ambiguous. It may bear the meaning which Lord Brougham has given to it, of a religious system patronized by law, with a preference given to it by the state over all other systems; and a preference given to its teachers over the teachers of all other forms of belief. That is to say, a *privileged* church. Or it may mean merely an *endowed* church—a church whose ministers are either salaried by the state, or allowed by the state to possess property in their corporate, not in their individual character, but which receives from the state no other patronage or preference. Such is the Presbyterian church in Ireland; such are the various churches of Canada. If the Bishops should be removed from the House of Lords, diocesan courts and church-rates abolished, and the universities and the few offices from which they are now excluded opened to Dissenters—events some of them certain, and all probable—the Church of England will cease to be a privileged church, but will continue an endowed one. Now, we see no reason for thinking that a church endowed, but not privileged, is inconsistent with democracy; and we are inclined to think that such a church may possess nearly all the advantages which belong to an establishment in Lord Brougham's sense, and be free from almost all its disadvantages.

Secondly, we do not perceive the incompatibility of even a privileged church with democracy. Some of the most democratic portions of Europe, Belgium, Norway, and parts of Switzerland, possess such churches. They are inconsistent, not with democracy generally, but with a democracy in which there is no one preponderant sect.

And lastly, Lord Brougham appears to us to take too English, and too Protestant a view of the voluntary system. The two countries in which that system prevails most extensively, are the United States and Ireland. In neither of them is there any want of religious teachers. The instruction may not be good, but it certainly is abundant. Again, throughout the Roman Catholic world, though the people may pay the priest, they neither elect, nor can they remove him. He is dependent on their favour for only a portion of his income. This dependence, indeed, has been sufficient, under peculiar circumstances, to render the Irish priest a most mischievous agitator; but such is not its necessary effect. In the United States, there is no clerical agitation. Every body there is a politician, except the religious instructor.

On the whole, although we agree in Lord Brougham's preference of even a privileged church to the voluntary system, we do not think that the latter is open to all the objections which

he has made; or that the former is necessarily incompatible with democracy.

We have now arrived at the fourth and last class of governments, those in which two or more of the three elements, the monarchical, the aristocratic, and the democratic—or, in other words, of the legislative powers of one, of a few, or of many—are combined.

It is obvious that such governments are divisible, according to the elements which they admit, into four. A mixed government may combine only the monarchical and democratic elements, or only the monarchical and aristocratic, or only the aristocratic and democratic, or may unite all three. The first of these is almost peculiar to small uncivilized tribes. As soon as such a tribe has swelled into a nation, the direct and constant exercise of power by the mass of the people becomes so difficult, that the chief makes himself absolute, and the government ceases to be mixed; or some smaller body is either substituted for the people, or appointed to share its power, and the constitution assumes one of the three other forms of mixed government. Nor is the mixture of monarchy and aristocracy common. A small select body, neither restrained nor supported by the democratic element, either deposes the monarch and reigns, as in Venice, a pure aristocracy; or, as is more frequently the case, is itself deposed by him, and the result is a pure monarchy; or is forced to share its power with the monarch and the people, or with the people alone, and the government falls into one of the two remaining mixed forms. The mixture of the aristocratic and democratic forms is not uncommon. With the exception of Neufchatel, which is purely monarchical, this is the constitution of all the Swiss cantons. It is the form into which the constitution of every country which rejects the monarchical principle seems naturally to fall. The most common, however, of mixed governments is the fourth, that in which the three elements are combined; and, what is more important, it is the form of government to which all nations seem to tend as they advance in greatness and in political knowledge.

But we now come to a set of cross divisions. Governments must be considered not merely according to the elements which they admit, but according to the mode and degree in which each element is admitted. The individual in whom the monarchical principle resides, may be hereditary or elected. If elected, he may be appointed for life, or for a term of years, or annually. The constituency that elects him may be aristocratic or democratic. If elected for a period, he may, or he may not, be re-eligible. Some portion of the legislative power he must have; but

he may have the initiative of all measures, or of some, or of none. He must have a veto; but it may be absolute or suspensive. He must be irresponsible while his power continues; but after it has ceased he may or may not be legally accountable for his conduct while in office. He may be authorized to exercise his powers personally, or only through his ministers. His ministers may or may not be responsible for his acts. Their offices may admit them to the legislative assemblies, or exclude them, or have nothing to do with their presence there.

So the body in which the democratic principle resides, may reserve some portion of direct legislative power, as in the case in the United States, where the constitution cannot be altered except by a convention, in which the electoral body becomes legislative; or it may part with the whole, as is the case in the British constitution. It may appoint its deputies for life, or for any shorter period. It may appoint them directly, or be authorized only to appoint electors. It may or may not be restricted in the selection of either the one or the other. It may or may not be empowered to bind its deputies by instructions.

These remarks are applicable, with little variation, to the body constituting the aristocratic element. There might be some pedantry, but there would be no impropriety, if we were to subject aristocratic bodies to the same division to which we have subjected governments; and to term a select legislative body appointed by the sovereign monarchical, an hereditary or self-perpetuated one aristocratic, one created directly or indirectly by the people democratic, and one in which two or more of these modes of creation or succession should concur mixed.

Again, there is almost an equal variety in the modes in which the executive power may be distributed or collected. The monarch may have the whole, or some part of it, or none. In England, the aristocratic legislative body is also the highest legal court of appeal. The initiative, and the details of arbitrary executive acts, belong principally to the democratic body, and occupy, under the name of private business, a very large portion of its time and attention. In the United States, the aristocratic legislative body shares with the monarch the power of making treaties, and of appointing some of the highest officers; and there are few modern constitutions in which the principal executive powers are not divided between the different legislative authorities.

The judicial power may be exercised by judges—hereditary, or appointed for life, or for a given period, or at the will of the appointer, or for one particular case. They may be appointed by the sovereign, or by a select body, or by the people, or by lot.

Every one of these varieties may be found in one country. In fact, they all coexist in England.

Again, every mixed government is more or less exclusive, from that of France, where only about three persons out of a thousand have legislative power, direct or indirect, to those in Switzerland, in which every male above the age of sixteen is an elector, and for some purposes a legislator.

When the number of combinations is so vast, it appears to us to be dangerous to ascribe to the mixed form of government any qualities as universal, or even as general. A distinction, apparently trifling, of law, or of mere administration, may affect the whole working of a constitution. England is, we believe, the only country in the world in which the sovereign is not present at the meetings of his own cabinet. There is, perhaps, no other single cause which has tended so much to weaken the monarchical element in the English constitution. But it is no part of that constitution; it is a mere usage, which sprang up accidentally, in consequence of George the First's ignorance of English. Important as it is, and now we trust unalterable, the fact of its existence is little known out of the British islands, and perhaps is not notorious even there.

Again, in France, no proceedings can be taken against any officer of the government for any official act, unless by the permission of the government;—a permission which the government can refuse at its discretion, and in a large proportion of cases does refuse. This law can scarcely be said to affect the French constitution as a form of government. It does not render it more monarchical, aristocratic, or democratic; but its first effect is to deprive all the inhabitants of France of any legal security against the oppression of their government. Its second effect is to drive them to supply, by illegal resistance, the want of a legal remedy. In England, if a tax-collector should endeavour to enter a house in order to count the windows, the owner, after warning him of the consequence, would quietly submit, then bring his action, and be amply recompensed by damages. The collector knows this, and nothing of the kind takes place. In France, such an occurrence occasioned, a year or two ago, deplorable scenes of violence and bloodshed. The collectors and the inhabitants both believed that the government would protect its officers. The collectors tried to force their way into the houses, the inhabitants to repel them, and the consequence was a petty civil war.

Again, the American President is elected for only four years, but is then re-eligible. Washington allowed himself to be re-elected once, but not oftener. This example has been generally followed. No President has served more than eight years; but

every one has been a candidate for re-election at the end of his first term of four years, and many of them have succeeded. The consequence is, that the first business of every President is to secure his re-election. To raise his own party and to depress his opponents—to dismiss the whole body of executive officers, and supply their places with his own partisans—to support slavery if he be strong in the south, or abolition if his strength lie in the north; to be a free-trader in the one case, and a protector of domestic industry in the other; to favour the great monied institutions if they support him; to destroy them, at the risk of paralysing the whole commerce and industry of the country, if they oppose him; to be litigious, insolent, and warlike in his diplomacy, if his friends lie among the dealers in arms or in privateers, or among manufacturers anxious to engross the home market; to be pacific if he rely on the importers of plantation supplies, and the exporters of cotton or tobacco; but under all circumstances, to adopt the language, stiffen the prejudices, inflame the passions, and obey the orders of the mass of the people.—Such are the occupations in which every President spends the first four years of his reign, and, if he be not re-elected, the whole. To the influences which thus corrupt and degrade the person who is both her chief magistrate and her prime minister, we attribute much of the deterioration of the public, and, we fear we must add, the private character of America—the bluster, the vanity, the rapacity, the violence, and the fraud, which render her a disgrace to democratic institutions, and a disgrace to the Anglo-Saxon race.

But if Washington had refused to be re-elected, it is probable that this frightful source of misgovernment and demoralization would never have broken out. The interests, and, what is more important, the passions of all parties, the jealousy of competitors, the inconstancy of the people, and the unpopularity which is unavoidably acquired in four years of supreme administration, would have effectually prevented any of his successors for asking for an honour and a power of which even Washington had not thought himself worthy. And though the constitution of America would have remained the same, its practical working would have been essentially altered.

Although, therefore, we have ventured to ascribe certain qualities to the three pure constitutions, or rather to the influence of the monarchical, aristocratic, and democratic elements respectively, we are afraid to give any general character to the indefinitely various forms in which those elements may be combined. All that we can affirm is, that it appears to be probable, first, That by combining the three elements, or at least two of them, a form of government may be obtained which, in ordi-

nary circumstances, will be more favourable to the welfare of the people than any one of the simple forms. Secondly, That the forms under which there has been the greatest moral and intellectual progress, and, we are inclined to think, the greatest happiness, have been mixed. And thirdly, That the very worst forms of government, forms which, like that of Poland, after having rendered nations for centuries miserable in themselves, and a source of misery to their neighbours, have utterly destroyed them, or been destroyed themselves, have also been mixed.

Lord Brougham is bolder. He states, that a mixed government possesses over all others, three great advantages, namely, first, 'That it protects the public interest from rash, ill-concerted 'counsels; secondly, That it secures the freedom and the rights 'of all classes in the community; and lastly, That it maintains 'the stability of the political system.'*

Now it is certain that the introduction of the aristocratic element has a tendency to diminish the rashness, passion, and short-sightedness which belong sometimes to a pure monarchy, and always to a pure democracy; but it is by no means certain that the introduction of the democratic element would produce the same effect in a pure monarchy, or even in a pure aristocracy. The Venetian government, the most prudent that has ever existed, was a pure aristocracy. That of Prussia, also eminently prudent, is a pure monarchy. The conduct of France was far more prudent, her councils far less ill-concerted, before the Revolution of 1789, than they have been since she substituted a mixed government for an absolute monarchy.

Again, the protection of the rights of all classes of the community, depends not so much on the government being mixed or pure, as on the degree in which it is exclusive. The excluded classes are always in danger of oppression, and many mixed governments have been eminently exclusive. It was the mixed exclusive government of England that enacted the penal laws against Roman Catholics. It was from the mixed exclusive government of Denmark that the people fled for refuge to an absolute King. The Austrian monarchy is pure in Lombardy and mixed in Hungary. But in Lombardy it is non-exclusive: no class has any privileges or immunities at the expense of the community. In Hungary, four-fifths of the inhabitants are excluded from all political and from most social rights. Mixed government has not saved them; as it did not save the Roman Catholics of Ireland, from a degree of oppression to which no

* Vol. iii. p. 158.

class is subject in any of the absolute European monarchies, except Russia and Turkey, if these monarchies are to be called European.

Lastly, There are reasons for doubting the superior stability of mixed governments. Pure democracies, indeed, are necessarily unstable. They must be destroyed by the mere increase of territory or of population; but many pure monarchies have endured for centuries undisturbed by any serious internal commotion. So have some pure aristocracies. Perhaps when we consider the rarity of that form of government, and the frequency of the mixed form, the former has exhibited as much stability as the latter. On the whole, we are inclined so far to disagree from Lord Brougham as to think, that a pure monarchy, or a pure aristocracy, is more stable than any mixed form admitting only two elements; but so far to agree with him as to believe, that the greatest amount of stability is to be obtained by the union of all three.

Throughout this discussion we have adhered to our own nomenclature, and have included among mixed governments those in which the body of the people act through their representatives. If we had adopted the nomenclature of Lord Brougham, and had included among pure democracies all governments in which the legislative authorities are elected directly or even indirectly by the people, we should scarcely have ventured to attribute to mixed government even the qualified superiority which we have assigned to it. If the President and the Senate of the United States were elected for life; if the President could act only by the advice of his ministers, and those ministers were responsible, and instead of being excluded from Congress, were *ex-officio* members—the constitution would still, according to Lord Brougham's nomenclature, be not a mixed government but a pure democracy, since all legislative, and indeed all executive authority would flow, directly or indirectly, from the people. But we are inclined to think that such a constitution would work well;—quite as well as if the President, or the Senate, or both of them, were rendered hereditary, and the constitution thus changed from pure to mixed. In the very striking chapter in which Lord Brougham anticipates the consequences of the further moral and intellectual improvement of mankind,* he states that a progress is making by the people which will in time enable old countries to be governed democratically; and that the tendency of human affairs is, that the people should select their chief magistrate. And if they elect their King

* Vol. iii. chap. xx.

and their House of Commons, it is nearly certain that they will also think fit to elect their House of Lords. We are not sure that for a well-educated people this would not be the best constitution; and if it is to be called a pure democracy, we can no longer affirm, as a universal proposition, that a mixed constitution always offers better chances for public welfare than a pure one.

We have now to consider an institution which is treated by Lord Brougham as compatible with every form except pure monarchy and aristocracy, and by us as confined to mixed government—Representation.

Representation, however, is not a subject to be discussed in a couple of pages. We shall shortly sum up the most important of Lord Brougham's conclusions, without expressing dissent or concurrence. Where we agree with him, the mere expression of our assent could add nothing to his authority; and where we disagree, the mere expression of our dissent, unsupported by argument, would be dogmatical and indeed presumptuous.

The substance of Lord Brougham's canons of representative government is this:—

The power of the people is to be transferred for a period exceeding one year, but not exceeding three years, to their representative. They are not to attempt to resume it during that time, or to fetter him by instructions. There should be no qualification of eligibility; and all persons of full age, unconvicted of infamous offences, who have received a good plain education, should be electors. The election should be direct, and by open voting, but in such a manner (*how* is not specified) as to protect the voters' independence. The constituencies should consist not of mere towns or counties, but of electoral districts so large as to prevent corruption—from five thousand to six thousand electors being the *minimum*—and so arranged as to secure representatives of all the great classes in the community, but not giving to any one large town a proportionate and therefore a very numerous representation.

To these canons Lord Brougham allows no exception. He does not propose them merely as the theoretic principles of the best form of representative government, but as the principles to which every such government ought to be made to conform. Many years ago, in his Letter to Lord John Russell, he recommended their adoption, so far as they have not been already so adopted, into the British constitution. It is therefore Lord Brougham's deliberate advice that the British House of Commons should be triennial; and should be chosen in large electoral districts by the suffrage of all persons who have received a good plain education; which in a short time must practically be universal suffrage. Now, without infringing our rule of expressing

on the subject of representation neither assent nor dissent, we may remark that such a change would be a revolution—using that word to signify not a violent anarchical movement, but a change in the depositaries of power. It would greatly increase the democratic power, and it would place that power in the hands of those who have now no share in it, or a share so small as to leave them almost without influence. It would exceed in magnitude the changes effected by the Reform Act—at least as much as those changes exceeded all that was proposed by Mr Pitt or by Mr Brougham.

We have now reached the last of the portions of Lord Brougham's work which we have selected for criticism—his view of the existing British Constitution. It is to be observed that his exposition is not merely legal, but also practical; that he states not merely the theory of the Constitution, but its actual working.

'The great virtue,' he says, 'of the Constitution of England, 'is the purity in which it recognises and establishes the funda- 'mental principle of all mixed governments; that the supreme 'power of the state being vested in several bodies, the consent 'of each is required to the performance of any legislative act; 'and that no change can be made in the laws, nor any addition 'to them, nor any act done affecting the lives, liberties, or pro- 'perty of the people, without the full and deliberate assent of 'each of the ruling powers.'*

Consistently with this view, he holds that the Constitution wills that the opinions of the monarch 'should have a sensible 'weight, even against the most conflicting sentiments of the 'people and of the peers,'† and should operate as a check on the other branches of the system. And he further maintains, that the government cannot be carried on for any length of time, unless the ministers of the day have the decided support of *both* Houses of Parliament.‡

We venture to question this view both in theory and in practice. It appears to us that important legislation has taken place in past times, and is likely to occur in future times, against the deliberate will of one, and sometimes of two, of the ruling bodies; and further, that the government can be carried on for an indefinite period with a decided majority in only one House of Parliament; and lastly, we believe that those who gradually introduced the usages, the aggregate of which forms the British constitution, intended that this should be the case. For the facts, we need refer only to the most recent history—to the Eman-

* Vol. iii. p. 295. † *Ibid.* p. 302. ‡ *Ibid.* p. 315.

cipation Act, carried against the deliberate will of George the Fourth; to the Reform Act, carried against the deliberate will of the House of Lords; to much subsequent legislation, disapproved of by both the Crown and the Peers; and to Lord Grey's ministry —the most powerful at home and abroad, the strongest in every way that modern times have seen—ruling not merely without the support of both Houses, but opposed in one of them by a decided and constantly-increasing majority. If it be said that in these cases the consent of the sovereign and of the peers, however reluctant, was in fact given, the answer is, that it was given because the constitution itself prevented its refusal. The sovereign acts only through his ministers, and no minister would have dared to advise George the Fourth to veto the Emancipation Bill. The majority of the House of Lords knew that a few pieces of parchment could convert it into a minority. They believed that the expedient would be used; and though they refused their consent to the Reform Bill, they neglected to record their dissent. If the constitution had willed, 'that the individual monarch should 'be a substantive part of the political system as a check on the 'other branches,'* it would have allowed him liberty of action. It would not have required that to give validity to his acts other persons should adopt them, and assume their responsibility. The fact is, that the influence really exercised by the sovereign is unconstitutionally exercised. The constitution supposes the crown to take no part in legislation, until the proposed law has passed through both Houses. In the rare cases in which the sovereign has interfered in legislation, he has done so by preventing the introduction into Parliament of the measures to which he was opposed, and we doubt whether such a case will ever occur again. 'If he can find any eight or ten men,' says Lord Brougham, 'in whom he has confidence, who are willing 'to serve him, and whom the Houses will not reject, he has the 'choice of those to whom the administration of affairs shall be 'confided.'† Certainly; but in general it is found that there are only eight or ten men in the kingdom who are willing to serve him, and whom the Houses will not reject. It has frequently happened that these were not the eight or ten men in whom the sovereign had confidence; but he has been obliged to continue, or even to appoint them ministers. His right of choice is that given by a *congé d'élire.*

Again, if the framers of the constitution had intended 'the 'separation and entire independence of its component parts;'‡ if they had intended that the House of Lords should possess a

* Vol. iii. p. 302. † *Ibid.* ‡ *Ibid.* p. 301.

real 'veto upon all the measures that pass the Commons,' * it seems inconceivable that they should have subjected that House to absolute dependence on the crown—that they should have allowed the sovereign to pack it at his pleasure;—to give it a Tory, a Whig, or a Radical majority, as often as he may think fit. Nor can it be said that this power is obsolete, or even dormant. It was used by Lord Oxford—it was used by Lord Brougham—it was abused by Mr Pitt. He packed the Irish House of Lords, by adding to it more than one hundred and fifty peers—forty-six of them in one year; and then to make this gross injustice irreparable, prohibited by the act of union its further increase. He found the British House consisting of only two hundred and ten temporal peers; in thirteen years he added to it eighty-five. When the Tory reign ended with Lord Liverpool, one hundred and seventy-eight British peers, and twenty-eight Irish, all belonging to one party, had been added to it. If it be true that no government can be carried on unless the minister have a decided majority in the House of Lords, either the government of the party now in power is immortal, or the accession of a Liberal minister must be accompanied by the creation of two hundred peers.

If we reason with respect to the British constitution as we do with respect to every other elaborate contrivance;—if we infer the intentions of its framers from the results which they have effected—it appears clear that differences of opinion between the three legislative bodies were foreseen, and means taken to give a decided preponderance to that which should have the support of the people. We say, which should have the support of the people; because the House of Commons, unless decidedly supported by the people—that is to say, by the constituencies—is not merely the weakest of the three estates, but is absolutely powerless; but supported by the people, it rules easily if one of the other two estates assist it; and rules, though not without difficulty, even if the other two oppose it. Thus the Commons and the Crown united, can at once trample under foot the opposition of the Lords; the Commons and the Lords united, are practically in no danger of opposition from the Crown, and if opposition were to take place, could terminate it by depriving the sovereign of his ministers. But the Crown and the Lords united, are impotent against a House of Commons backed by its constituencies. All that they can do is to dissolve; and a re-election sends them back only a more numerous and a more determined opposition. It must have been for the purpose of producing this result, that the power of creating new boroughs was gradually withdrawn

* Vol. iii. p. 305.

from the Crown. While that power existed, the Commons were as much at the mercy of the Crown as the Lords are now. As soon as it ceased, they became as independent as the Lords would have become, if the bill which restricted the power of creating peers had passed. Those who deprived the Crown of the power of increasing or packing the House of Commons, and those who continued to the Crown the power of increasing and packing the House of Lords, must have intended, that in the British constitution the democratic element should be supreme.

There is no proposal for constitutional change that Lord Brougham dismisses so contemptuously, as an alteration in the constitution of the House of Lords. 'It deserves,' he says, 'to 'be noted, that all these senseless projects have long since been 'abandoned by their thoughtless authors, who, a few years ago, 'considered the safety of the empire to depend upon what they 'termed Peerage Reform.' * He believes that the consequences of a large creation in 1832 would have been dreadful; that it would inevitably have ruined the constitution.† Now, we dread all great changes simply because they are great changes—because we know that their whole results never can be anticipated—and that even if they effect their intended purposes, they may effect them at a sacrifice which would not have been submitted to, if it had been foreseen. We do not believe, indeed, that Peerage Reform would produce so great a change as is expected by its enemies, or by its friends; but the change would be great, and that is a sufficient reason for avoiding, or, at all events, for deferring it, as long as it can be deferred. But we cannot think that it is a senseless project. We cannot but feel that a state of circumstances is possible, we trust not probable, in which it may be beneficial and even necessary. While the House of Lords plays no part in the great game of political power—while it contents itself with performing the important but subordinate duties of a Court of Revision, in which the legislation of the Commons is reconsidered, improved, suspended—and, when the popular will is not decidedly expressed, even rejected, it will continue unaltered in form, and, unless some profligate administration should repeat Mr Pitt's profuse creations, unaltered in substance; but, if in an evil hour it should assume equality with the Commons—if it should attempt to share the sovereignty which that House now exclusively exercises—if it should try to dictate what party and what persons shall be our governors, the days of its apparent independence are numbered.

We will explain our views by supposing a possible, though

* Vol. ii. p. 16. † Vol. iii. p. 308.

certainly not a probable, state of circumstances: Suppose that, in the last Session, the public opinion of the constituent bodies had been decidedly in favour of a ten hours' bill—that Sir Robert Peel had resisted, had dissolved, and had been met by a House of Commons with a hostile majority of 300, and had endeavoured to govern with only 150 supporters—had endeavoured, in short, to treat the House of Commons as more than one minister has treated the House of Lords—the Commons would have passed a vote of want of confidence. If that produced no effect, they would have addressed the Crown to remove its ministers—if that failed, they would have stopped the supplies. As the hostile majority would have been unassailable, as a fresh dissolution would only have increased its numbers and its determination, the Crown must have complied, and appointed a new administration. If now the House of Lords had followed the precedent set by the Commons—if it had resolved that the new cabinet had not its confidence—had requested its removal—and had enforced that request by rejecting the money bills and the mutiny bill, the necessary consequence would have been, not that the Commons or the Crown would have yielded, but that the hostile majority of the peers would have been neutralized by a large creation; and the result of one or two such occurrences must be Peerage Reform. The House of Lords would soon become too large to act as a deliberating body; and the course which has been twice taken to meet that difficulty would be repeated. At the time of the Union with Scotland, it was supposed that the introduction of all the Scotch peers would form too large an accession to the House; they were required, therefore, to select representatives out of their own body. The same objection was removed by the same expedient on the Union with Ireland. The distinctions between British, Irish, and Scotch peers, now become useless, would be abolished; and on every new parliament the whole peerage would be required to select a representative body. Such a body, if persons filling or who had filled certain high offices, were *ex-officio* members, would constitute an aristocratic assembly; perhaps not remarkably inferior in virtue, in knowledge, in talents, in diligence, and even in wealth, to that which it is now our happiness to possess.

It is true that it would not be independent; since any minister, enjoying the decided support of the country and of the House of Commons, would be able, by a creation and a dissolution, to obtain a majority in the Lords. But, under such circumstances, is the House of Lords now, under the existing system, independent? Its independence is confined to the case of parties in the country, and in the House of Commons, being nearly equally balanced. In such a case the power of creation is virtually sus-

pended. If the minister, with a majority of twenty-five, create peers from the House of Commons, he destroys his majority, even if he should lose only one re-election out of three. If, to avoid this, he exclude from the peerage his supporters, he equally destroys his majority by disgusting the vain and selfish portion of his adherents; but if he have such a majority in the House as to be able to bear some loss on elections, and such a majority in the constituencies as will render that loss trifling, he can now govern the Lords by the threat implied, rather than expressed, of mere creation;—as effectually, perhaps, as he could do after the supposed Peerage Reform, when there would be the further necessity of a dissolution.

A few years ago, there did appear to be almost a probability that such a reform might become necessary. The House of Lords indeed abstained not only from straining, but, in a great measure, from exercising its political as distinguished from its legislative powers. Though exempt from dissolution and safe from creation, not merely independent, but if such were its desire, dominant; with the power of expelling by a single vote an administration which it disliked and distrusted, it yet refrained from giving that vote. It did not address the Crown to dismiss its ministers, though such an address would, in the then state of parties, have been a command; but it displayed a temper, and pursued a course of obstruction, which excited alarm among our most intrepid and our wisest statesmen.

'Year after year,' says Lord John Russell, 'the Commons grow more impatient at the frustration of measures for which they have laboured for many a weary night, which contain nothing revolutionary or intemperate, and which are dispatched before dinner by some thirty peers, who, without reading the bills, and without listening to explanation, mar the fruits of a Session. Year after year, the Lords, strong in their numbers, grow more and more eager for decisive battle. With these dispositions, the superiority of the Lords in matters of government may one day be asserted, or England may no longer bear the double sway of government in one House, and opposition in the other. Who are in that case to give the victory? Evidently the people of the United Kingdom. The country will ask in the end whether these measures were useful; and if so, why they were rejected? They will enquire who they are who have misused the power of legislation to indulge a party spleen; and those on whom that charge justly rests, will be the losers in the conflict.' *

The conflict which Lord John Russell deprecated, was averted, partly by the wisdom, firmness, and authority of the Duke of Wellington, and partly by the speedy termination of the real struggle in the House of Commons. We now know, that such was the

* *Letter to the Electors of Stroud,* 1839, p. 41-43.

temper of the constituencies in 1839 and 1840, that if it had taken place, the victory would have rested with the Lords. On a dissolution, the people would have sided with them. The danger lay in the precedent;—in the fear that, in a different state of public feeling, the Lords, pleased with their apparent recovery of political power, might, on some other occasion, exercise their legal right to oppose the popular will; and thus force the Crown to exercise its legal right of putting down that opposition by a creation, which, in the state of parties which now exists, or in any which can be expected to exist in that House, must be a very numerous one; and then, as we said before, Peerage Reform is inevitable. If that event should actually occur—if the most distinguished, and, on the whole, the most enlightened hereditary body that the world has ever seen, should be changed into an elected senate, on whom will the responsibility rest?—On those who endeavour to alarm the prudence of the House of Lords, or on those who may inflame its ambition? On those who, by pointing out its political subordination, endeavour to secure its legislative authority; or on those who may tempt it to temporary triumph, and ultimate defeat, by ascribing to it a political independence and a political equality, which it possesses neither in theory nor in practice? On those who may have to sacrifice its existing constitution to the welfare of the state; or on those who, without any necessity—in the mere insolence of power, by the wanton creations of forty years—converted it from a moderately-sized council, fairly representing both the great parties, into a large assembly; in which one set of opinions is always persisted in, one class of measures approved, and one body of leaders supported, by the same overwhelming and hereditary majority?

We now close these volumes, with gratitude to the author, for much amusement, information, and instruction—with respect for his learning, and with admiration of his genius. We feel that the account which we have given of his work is very imperfect. We have been forced to omit the whole of the historical portion, and many philosophical discussions of great merit; among others, those on Party, on Checks, on Federal Union, and on Judicial arrangements. This, however, is not of much importance. Lord Brougham will be read in his own, not in our pages. On looking back at what we have written, we are struck by its controversial tone. This is perhaps unavoidable in criticism, where the subject-matter admits of only probable reasoning. On such subjects, when there is perfect coincidence of opinion in the author and the critic, there is little opportunity and no necessity for remark; but when this perfect coincidence does not exist, if the matter be important, the critic feels bound to express his dissent; and, if

the author be one whose opinions carry great weight, to support it by argument and illustration. We have agreed in opinion with Lord Brougham much oftener than we have disagreed; but in the one case we have generally been silent—in the other, we have thought it necessary to state at some length the grounds of our dissent. No one, we are sure, will judge us with more candour than the great author himself. He will feel that, whenever we have ventured to express dissent, it has been from no love of paradox or of opposition, but from a sincere difference of opinion on some of the most important, and, at the same time, most doubtful questions on which the human mind can be employed.

ART. II.—*The Poetical Works of Charles Churchill. With copious Notes, and a Life of the Author.* By W. TOOKE, F.R.S. 3 vols. 12mo. London: 1844.

MR WILLIAM TOOKE sets us a bad example in his 'copious 'notes,' which we do not propose to follow. Our business is with Churchill; and not with the London University, or the Society for the Diffusion of Useful Knowledge, or the Reform Bill, or the Whigs, or the Popish Ascendency, or the bribed voters of Metropolitan Boroughs, or the profligate members who represent them in Parliament. There are many reasons why Mr Tooke should not have named these things; but we shall content ourselves with mentioning one. If the editorial pains bestowed upon them had been given to his author, we should probably not have had the task, which, before we speak of Churchill, we shall discharge as briefly as we may, of pointing out his editorial deficiencies.

It would be difficult to imagine a worse biographer than Mr Tooke. As Dr Johnson said of his friend Tom Birch, he is 'a 'dead hand at a Life.' Nor is he a more lively hand at a Note. In both cases he compiles with singular clumsiness, and his compilations are not always harmless. But though Mr Tooke is a bad biographer and a bad annotator, he is a worse critic.

If it were true, as he says, that 'the character of Churchill as 'a poet, may be considered as fixed in the first rank of English 'classics,' (Vol. i. p. xiii,) we should have to place him with Shakspeare and Milton, in the rank above Dryden and Pope. If the *Rosciad* were really, as Mr Tooke thinks, remarkable for its 'strength of imagination,' (Vol. i. p. xxxiv,) we should have to depose it from its place beside the *Dunciads*, and think of it with

the *Paradise Losts.* And indeed we shall be well disposed to do this, when Mr Tooke establishes the critical opinion he adopts from poor Dr Anderson, that the *Cure of Saul*, a sacred ode by Dr Brown, 'ranks with the most distinguished lyric compositions,' (Vol. iii. p. 302.)

This Dr Brown, the author of the flat tragedy of *Barbarossa*, and a vain, silly, impracticable person, is described by Mr Tooke to have been 'a far wiser and better man than Jeremy 'Bentham,' (Vol. iii. p. 109;) whose 'always mischievous, but 'happily not always intelligible gibberish,' is in a previous passage ranked with 'the coarse blasphemy of Richard Carlyle,' (Vol. iii. p. 107.) It is in the same discriminating taste we are told after this, that Dr Francklin's *Translation of Sophocles* is 'a bold and happy transfusion into the English language of the 'terrible simplicity of the Greek tragedian,' (Vol. iii. p. 298)—poor Dr Francklin being as much like the terrible simplicity of the Greeks, as Mr Tooke resembles Aristides, or an English schoolmaster is like the Phidian Jove.

The reader will not suppose that Mr Tooke, a respectable solicitor of long standing, has not had ample time to set himself right on these points, when we mention the fact of his first appearance as Churchill's editor no fewer than forty years ago. Forty years ago, when he was in the flush of youth, and George the Third was King, he aspired to connect himself with the great satirist. What turned his thoughts that way, from the 'quiddets 'and quillets, and cases and tenures and tricks,' that surrounded him in his daily studies, he has not informed us. But, among his actions of scandal and battery, the echo of Churchill's rough and manly voice was in that day lingering still; and an aspiring young attorney could hardly more agreeably indulge a taste for letters, than among the mangled and still bleeding reputations of the *Duellist*, the *Candidate*, and the *Ghost.* But we have reason to complain that he did not improve this taste with some little literary knowledge.

Whether he praises or blames, he has the rare felicity of never making a criticism that is not a mistake. Nothing of this kind, committed forty years back, has he cared to correct; and every new note added, has added something to the stock. He cannot even praise in the right place, when he has such a man as Dr Garth to praise. Garth was an exquisite creature—a real wit, a gentleman, a friend, a physician, a philosopher; and yet his *Satire* was not 'admirable,' nor his *Claremont* 'above mediocrity,' nor his *Translations from Ovid* 'spirited and faithful,' (Vol. iii. p. 16-17.) In a later page, Mr Tooke has occasion to refer to the writer of a particular panegyric, whom he calls Conyng-

ham, (Vol. ii. p. 317.) This exemplifies another and abundant class of mistakes in his volumes. The writer was Codrington, and the lines were addressed to Garth on his *Dispensary*. Mr Tooke has to speak of the two Doctors William King; and he attributes the well-known three octavos of the King of St Mary's Hall to the King of Christ Church, (Vol. iii. p. 173.) He has to speak of Bishop Parker, Marvell's antagonist, and he calls him Archbishop Parker, (Vol. ii. p. 171;) a singularly different person. He condemns Churchill for his public appearance in a theatre with a celebrated courtesan, whom his next sentence, if correct, would prove to have been a venerable lady of between eighty and ninety years old, (Vol. i. p. 47;)—the verses quoted having been written sixty-three years before, to the Venus of a past generation. If an anecdote has a point, he misses it; and if a question has two sides, he takes the wrong one. He gravely charges the old traveller Mandeville, with wilful want of veracity, and with having 'observed in a high northern latitude the 'singular phenomenon of the congelation of words as they issued 'from the mouth, and the strange medley of sounds that ensued 'upon a thaw,' (Vol. ii. p. 76;)—vulgar errors, we need not say. Sir John Mandeville wrote conscientiously, according to the lights of his times; and qualifies his marvellous relations as reports. The congelation of words was a pure invention of Addison's, palmed upon the old traveller.

In matters more closely connected with his subject, Mr Tooke is not more sparing of errors and self-contradictions. He confounds Davies, the actor and bookseller—Johnson's friend, Garrick's biographer, and a reasonably correct as well as agreeable writer—with Davis, an actor not only much lower in the scale than Davies, but remembered only by the letter Mr Tooke has printed, (Vol. i. p. 36-7.) He tells us, with amazing particularity, that 'Churchill's brother John survived him little more than one 'year, dying, after a week's illness only, on 18th November 1765,' (Vol. i. p. lvi;) the truth being that John, who was a surgeon-apothecary in Westminster, survived his brother many years; published, in the character of executor, the fifth collected edition of his works as late as 1774; and was recommending the use of bark to Wilkes, whose medical attendant he became, as late as 1778. In one place he says that he has endeavoured, without success, to ascertain the truth of a statement that Churchill had a curacy in Wales, and became bankrupt in cider speculations there; suppositions which, unable to substantiate, he rejects, (Vol. i. p. xxv.) In another place, he speaks, without a doubt, of Churchill's 'flight from his curacy in Wales,' (Vol. iii. p. 28;) and in a third, tells us decisively that Churchill's 'own failure in trade as

'a cider-dealer,' had 'tinctured him with a strong and unfounded 'prejudice' against the merchants of London, (Vol. ii. p. 318.) At one time he relates a story of Churchill's 'having incurred a 'repulse at Oxford, on account of alleged deficiency in the clas-'sics,' to acquaint us that it 'is obviously incorrect,' (Vol. i. p. xxi.) At another, he informs us that 'the poet's antipathy to 'colleges may be dated from his rejection by the University of 'Oxford, on account of his want of a competent skill in the 'learned languages,' (Vol. ii. p. 227.) No opportunity of self-contradiction is too minute to be lost. Now he says that the price of the *Rosciad* was half-a-crown, (Vol. i. p. 114,) and now that it was but 'the moderate price of one shilling,' (Vol. ii. p. 167;) now that Lord Temple resigned in 1761, (Vol. i. p. 171,) and now that the resignation was in 1762, (Vol. ii. p. 29;) now that the *Apology* was published in April 1761, (Vol. i. p. 115,) and six pages later, (Vol. i. p. 121,) that it was published in May of that year; now that Churchill's Sermons were ten in number, (Vol. i. p. xxvi,) and now that they were twelve, (Vol. iii. p. 318.) These instances, sparingly selected from a lavish abundance, will probably suffice.

We shall be equally sparing of more general examples that remain. Mr Tooke, as the character of this literary performance would imply, has no deficiency on the score of boldness. Thus, while he thinks that 'the Rev. Doctor Croly, in his classical 'and beautiful play of *Catiline*, has at once shown what a good 'tragedy should be, and that he is fully equal to the task of pro-'ducing one,' (Vol. ii. p. 297,) he has an utter contempt for the Wordsworths and Coleridges. 'What language,' he indignantly exclaims, before giving a specimen of the latter poet *in a lucid interval*, 'could the satirist have found sufficiently expres-'sive of his disgust at the *simplicity* of a later school of poetry, 'the spawn of the lakes, consisting of a mawkish combination of 'the nonsense verses of the nursery, with the rodomontade of 'German mysticism and transcendentalism!' (Vol. i. p. 189.) This is a little strong for a writer like Mr Tooke. Nor, making one exception in the case of Lord Byron, does he shrink from pouring the vials of his critical wrath upon every Lord who has presumed to aspire to poetry. Not the gentle genius of Lord Surrey, nor the daring passion of Lord Buckhurst; not the sharp wit of my Lords Rochester and Buckingham, nor the earnestness and elegance of Lord Thurlow—can shake the fierce poetical democracy of Mr William Tooke. 'The *claim* of the 'whole lot of other noble poets,' he observes with great contempt, 'from Lord Surrey downwards—the Buckinghams, the

'Roscommons, the Halifaxes, the Grenvilles, the Lyttletons of 'the last age, and the still minor class of Thurlows, Herberts, 'and others of the present generation, *have* been tolerated as 'poets, only because *they* were peers,' (Vol. iii. p. 262.)

A contempt of grammar, as of nobility, may be observed to relieve the sense and elegance of this passage. But this is a department of Mr Tooke's merits too extensive to enter upon. When he talks of 'a masterly *but* caustic satire,' (Vol. i. p. xl,) and of 'plunging deeper and *more irrecoverably* into,' &c., (Vol. i. p. xli,) we do not stop to ask what he can possibly mean. But his use of the prepositions and conjunctions is really curious. His '*and* to which we would refer our readers accordingly, *and* to 'whose thanks we shall entitle ourselves for so doing,' (Vol. iii. p. 157;) his '*and from which* but little information could be col'lected, he was at the same time confident that none others 'existed, *and which* the lapse of time has confirmed,' (Vol. iii. p. 296;) are of perpetual recurrence in the shape of *and who*, or *but which*, and may be said to form the peculiarity of his style. On even Mr Pickering's Aldine press, a genius of blundering has laid its evil touch. The errors in the printing of the book are execrable. Not a page is correctly pointed from first to last; numbers of lines in the text (as at vol. iii. pp. 216–17) are placed out of their order; and it is rare when a name is rightly given. But enough of a distasteful subject. We leave Mr Tooke and pass to Churchill.

Exactly a hundred years after the birth of Dryden, Charles Churchill was born. More than a hundred years were between the two races of men. In 1631, Hampden was consoling Eliot in his prison, and discussing with Pym the outraged Petition of Right; in 1731, Walpole was flying at Townshend's throat, and suggesting to Gay the quarrels of Lockit and Peachum. Within the reach of Dryden's praise and blame, there came a Cromwell and a Shaftesbury; a Wilkes and a Sandwich exhausted Churchill's. There is more to affect a writer's genius in personal and local influences of this kind, than he would himself be willing to allow. If, even in the failures of the first and greatest of these satirists, there is a dash of largeness and power; there is never wholly absent from the most consummate achievements of his successor, a something we must call conventional. But the right justice has not been done to Churchill. Taken with the good and evil of his age, he was a very remarkable person.

An English clergyman, who, in conjunction with his rectory of Rainham, in Essex, held the curacy and lectureship of St

John the Evangelist in Westminster, from 1733 to his death in 1758, was the father of Charles Churchill. He had two younger sons; William, who afterward selected the church for his profession, and passed a long, quiet, unobtrusive life within it; and John, brought up to the business of medicine. The elder, named Charles after himself, he from the first especially designed for his own calling; and sent him in 1739, when eight years old, as a day-boy to Westminster school. Nichols was the head master, and the second master was (not Lloyd, as Mr Tooke would inform us, but) Johnson, afterwards a bishop. Vincent Bourne was usher of the fifth form, and Dr Pierson Lloyd, (after some years second master,) a man of fine humour as well as rare worth and learning, was usher at the fourth. Churchill, judging from the earliest notice of him, must have been already a robust, manly, broad-faced little fellow when he entered the school; all who in later life remembered him, spoke of the premature growth and fulness both of his body and mind; and he was not long in assuming the place in his boy's circle, which quick-sighted lads are not slow to concede to a deserving and a daring claimant. He was fond of play; but was a hard worker when he turned to work, and a successful. There is a story of one of his punishments by flogging, which only increased and embittered the temper that provoked it; but of a literary task by way of punishment, for which the offender received public thanks from the masters of the school. 'He could do well if he 'would,' was the admission of his enemies; and the good Dr Lloyd loved him.

There were then a number of remarkable boys at Westminster. Bonnell Thornton was already in the upper forms; but George Colman, Robert Lloyd, Richard Cumberland, and Warren Hastings, were with few years' interval Churchill's contemporaries; and there was one mild, shrinking, delicate lad of his own age, though two years younger in the school, afraid to lift his eyes above the shoestrings of the upper boys, but encouraged to raise them as high as Churchill's heart. He stood by Cowper in these days; and the author of the *Task* and the *Table-Talk* repaid him in a sorer need. Indeed, there was altogether a manly tone of feeling among these Westminster scholars. If they were false to some promises of their youth when they grew to manhood, they were true to all that pledged them to each other. Never, save when two examples occurred too flagrant for avoidance, in a profligate Duke and a hypocritical Parson, did Churchill lift his pen against a schoolfellow. Mr Tooke says that the commencement of a satire against Thornton and Colman was found among his papers; but there is no proof of this, and

we doubt, in common with Southey, the alleged desertion of Lloyd which is said to have suggested the satire. Even Warren Hastings profited by his old connexion with Westminster, when Wilkes deserted his supporters in the House of Commons to defend the playfellow of his dead friend; and the irritable Cumberland so warmed to the memory of his school companion, as to call him always, fondly, the Dryden of his age.

Literature itself had become a bond of union with these youths before they left the Westminster cloisters. The *Table-Talk* tells of the 'little poets at Westminster,' and how they strive 'to set a distich upon six and five.' Even the boredom of school exercises, more rife in English composition then than since, did not check the scribbling propensity. All the lads we have named had a decisive turn that way; and little Colman, emulating his betters, addressed his cousin Pulteney from the fifth form with the air of a literary veteran. For, in the prevailing dearth of great poetry, verse-writing was cultivated much: much encouraged. It had become, as Lady Mary Montagu said a few years before, as common as taking snuff. Others compared it to an epidemical distemper;—a sort of murrain. Beyond all doubt, it was the rage. 'Poets increase and multiply to that 'stupendous degree, you see them at every turn, in embroidered 'coats, and pink-coloured topknots.' Nor was it probable, as to Churchill himself, that he thought the dress less attractive than the verse tagging. But his father, as we have said, had other views with respect to him. He must shade his fancies with a more sober colour, and follow the family profession.

It was an unwise resolve. It was one of those resolves which more frequently mar than make a life. The control of inclination to a falsehood is a common parent's crime; not the less grievous when mistaken for a virtue. The stars do not more surely keep their courses, than an ill-regulated manhood will follow a misdirected youth. This boy had noble qualities for a better chosen career. Thus early he had made it manifest that he could see for himself and feel for others; that he had strong sensibility and energy of intellect; that, where he had faith, he had steadiness of purpose and enthusiasm: but that, closely neighbouring his power, were vehemence, will, and passion; and that these made him confident, inflexible, and hard to be controlled. In the bad discipline of such a mind, one of two results was sure. He would resist or yield: in the one case, boasting exemption from vice, become himself the victim of the worst of vices; in the other, with violent recoil from the hypocrisies, outrage the proprieties of life. The proof soon came.

Churchill had given evidence of scholarship in Latin and Greek

as early as his fifteenth year, when, offering himself a candidate for the Westminster foundation, he went in head of the election; but on standing for the studentship to Merton College, Oxford, three years later, he was rejected. Want of learning, premature indulgence of satirical tastes, and other as unlikely causes, have been invented to explain the rejection: there is little doubt that its real cause was the discovery of a marriage imprudently contracted some months before, with a Westminster girl named Scot, and accomplished within the rules of the Fleet. A marriage most imprudent—most unhappy. It disqualified him for the studentship. It introduced his very boyhood to grave responsibilities he was powerless to discharge, almost to comprehend. What self-help he might have exerted against the unwise plans of his father, it crippled and finally destroyed. There is hardly a mistake or suffering in his after life, which it did not originate, or leave him without the means of repelling. That it was entered into at so early an age; that it was effected by the scandalous facilities of the Fleet—were among its evil incidents, but not the worst. It encumbered him with a wife from whom he could not hope for sympathy, encouragement, or assistance in any good thing: to whom he could administer them as little. Neither understood the other; or had that real affection which would have supplied all needful knowledge.

The good clergyman received them into his house soon after the discovery was made. The compromise seems to have been, that Churchill should no longer oppose his father's wishes, in regard to that calling of the church to which he afterwards bitterly described himself decreed, 'ere it was known that he 'should learn to read.' He was entered, but never resided, at Trinity, in Cambridge. There was a necessary interval before the appointed age of ordination, (for which he could qualify without a degree,) and he passed it quietly: the first twelve months in his father's house; the rest in a retirement, for which 'family reasons' are named but not explained, in the north of England. In that retirement, it is said, he varied church reading with 'favourite poetical amusements;' with what unequal apportionment it might not be difficult to guess. The already congenial charm he may be supposed to have found in the stout declamation of Juvenal; the sly and insinuating sharpness of Horace, and the indignant eloquence of Dryden—had little rivalry to fear from the fervid imagination of Taylor, the copious eloquence of Barrow, or the sweet persuasiveness of South.

In 1753 he visited London, to take possession, it is said, of a small fortune in right of his wife; but there is nothing to show that he got the possession, however small. It is more apparent

that the great city tempted him sorely; that boyish tastes were once more freely indulged; and that his now large and stalwart figure was oftener seen at theatres than chapels. It was a great theatrical time. Drury Lane was in its strength, with Garrick, Mossop, Mrs Pritchard, Palmer, Woodward, Shutes, Yates, and Mrs Clive. Even in its comparative weakness, Covent Garden could boast of Barry, Smith, Sparks, and Macklin—of Mrs Cibber and Mrs Vincent, and, not seldom, of Quin, who still lingered on the stage he had quitted formally two or three years before, and seemed as loth to depart from really, as Churchill, on these stolen evenings of enjoyment, from his favourite front row of the pit. Nevertheless, the promise to his father was kept; and, having now reached the canonical age, he returned to the north in deacon's orders; whence he removed, with little delay, to the curacy of South Cadbury in Somersetshire. Here he officiated till 1756, when he was ordained priest, and passed to his father's curacy of Rainham.

Both these ordinations without a degree, are urged in special proof of his good character and reputation for singular learning; but there is reason to suspect his father's influence more powerful than either. 'His behaviour,' says Dr Kippis, writing in the *Biographia Britannica*, 'gained him the love and esteem 'of his parishioners; and his sermons, though somewhat raised 'above the level of his audience, were commended and followed. 'What chiefly disturbed him, was the smallness of his income.' This, though connected with a statement as to a Welsh living now rejected, has in effect been always repeated since, and may or may not be true. It is perhaps a little strange, if his sermons were thus elevated, commended, and followed, that no one recognised their style, or could in the least commend them, when a series of ten were published with his name eight years later; but the alleged smallness of his income admits of no kind of doubt. He had now two sons, and, as he says himself, 'prayed and starved on forty pounds a-year.' He opened a school. It was bitter drudgery. He wondered, he afterwards told his friends, that he had ever submitted to it; but necessities more bitter overmastered him. What solid help this new toil might have given was yet uncertain, when, in 1758, his father died, and, in respect to his memory, his parishioners elected the curate of Rainham to succeed him. At the close of 1758, Charles Churchill was settled in Westminster, at the age of twenty-seven, curate and lecturer of St John's.

It was not a very brilliant change, nor enabled him yet to dispense with very mean resources. 'The emoluments of his 'situation,' observes Dr Kippis—who was connected with the

poet's friends, and, excepting where he quotes the loose assertions of the *Annual Register*, wrote on the information of Wilkes—'not amounting to a full hundred pounds a-year, in order to 'improve his finances he undertook to teach young ladies to 'read and write English with propriety and correctness; and was 'engaged for this purpose in the boarding-school of Mrs Den-'nis. Mr Churchill conducted himself in his new employment 'with all the decorum becoming his clerical profession.' The grave doctor would indicate the teacher's virtue and self-command, in controlling by the proper clerical decorums his instruction of Mrs Dennis's young ladies. Mr Tooke's biography more confidently asserts, that not only as the servant of Mrs Dennis, but as 'a parochial minister, he performed his duties with punc-'tuality, while in the pulpit he was plain, rational, and empha-'tic.' On the other hand, Churchill himself tells us that he was not so. He says, that he was an idle pastor and a drowsy preacher. We are assured, among the last and most earnest verses he composed, that 'sleep at his bidding crept from pew to pew.' With a mournful bitterness he adds, that his heart had never been with his profession;—that it was not of his own choice, but through need, and for his curse, he had ever been ordained.

It is a shallow view of his career that can differently regard it, or suppose him at its close any other than he had been at its beginning. The sagacious Mr Tooke, after a fashion worthy of himself, would 'divide the life into two distinct and dissimilar 'portions; the one pious, rational, and consistent; the other 'irregular, dissipated, and licentious.' During the first portion of seven-and-twenty years, says this philosophic observer, 'with 'the exception of a few indiscretions, his conduct in every rela-'tion, as son, as brother, as husband, as father, and as friend, 'was rigidly and exemplarily, though obscurely virtuous; while 'the remaining six years present an odious contrast.' Why, with such convictions, he edited the odious six years, and not the pure twenty-seven; why he published the poems, and did not collect the sermons—the philosopher does not explain. For ourselves let us add, that we hold with no such philosophy in Churchill's case, or any other. Whatever the corrupting influence of education may be, whatever the evil mistakes of early training, we believe that Nature is apt to show herself at all times both rational and consistent. She has no delight in monsters; no pride in odious contrasts. Her art is at least as wise as Horace describes the art of poetry to be. She joins no discordant terminations to beginnings that are pure and lovely. Such as he honestly was, Churchill can afford to be honestly judged: when he calls it his curse to have been ordained, he

invites that judgment. He had grave faults, and paid dearly for them; but he set up for no virtue that he had not. In the troubled self-reproaches of latter years, he recalled no pure self-satisfactions in the past. To have been 'decent and demure at 'least, as grave and dull as any priest,' was all the pretence he made. It was his disgrace, if the word is to be used, to have assumed the clerical gown. It was not his disgrace to seek to lay it aside as soon as might be.

That this was the direction of his thoughts, as soon as his father's death removed his chief constraint, is plain. His return to Westminster had brought him back within the sphere of old temptations; the ambition of a more active life, the early school aspirings, the consciousness of talents rusting in disuse, again disturbed him; and he saw, or seemed to see, distinctions falling on the men who had started life when he did, from the Literature *he* might have cultivated with yet greater success. Bonnell Thornton and Colman were by this time established town wits; and with another schoolfellow (his now dissolute neighbour, Robert Lloyd, weary of the drudgery of *his* father's calling, to which he had been appointed in Westminster school, and on the eve of rushing into the life of a professed man of letters) he was in renewed habits of daily intercourse. Nor, to the discontent thus springing up on all sides, had he power of the least resistance in his home. His ill-considered marriage had by this time borne its bitterest fruit; it being always understood in Westminster, says Dr Kippis, himself a resident there, 'that Mrs Churchill's im-'prudence kept too near a pace with that of her husband.' The joint imprudence had its effect in growing embarrassment; continual terrors of arrest induced the most painful concealments; executions were lodged in his house; and his life was passed in endeavours to escape his creditors, perhaps not less to escape himself. It was then that young Lloyd, whose whole life had been a rude impulsive scene of license, threw open to him, without further reserve, his own mad circle of dissipation and forgetfulness. It was entered eagerly.

In one of his later writings, he described this time; his credit gone, his pride humbled, his virtue undermined, himself sinking beneath the adverse storm, and the kind hand, whose owner he should love and reverence to his dying day, which was suddenly stretched forth to save him. It was that of good Dr Lloyd, now under-master of Westminster: he saw the creditors, persuaded them to accept a composition of five shillings in the pound, and lent what was required to complete it. With the generous wish to succour his favourite pupil, there may have been the hope of one more chance of safety for his son. But it was too

late. At almost the same instant, young Lloyd deserted his ushership of Westminster to throw himself on literature for support; and Churchill, resolving to try his fate as a poet, prepared to abandon his profession. A formal separation from his wife, and a first rejection by the booksellers, date within a few months of each other.

At the close of 1760, he carried round his first effort in verse to those arbiters of literature, then all-powerful; for it was the sorry and helpless interval between the patron and the public. The *Bard*, written in Hudibrastic verse, was contemptuously rejected. But, fairly bent upon his new career, he was not the man to waste time in fruitless complainings. He wrote again, in a style more likely to be acceptable; and the *Conclave*, a satire aimed at the Dean and Chapter of Westminster, would have been published eagerly, but for a legal opinion on the dangers of a prosecution, interposed by the bookseller's friend. This was at once a lesson in the public taste, and in the caution with which it should be catered for. Profiting by it, Churchill with better fortune planned his third undertaking. He took a subject in which his friend Lloyd had recently obtained success—in which severity was not unsafe, and to which, already firm as it was in the interest of what was called the Town, he could nevertheless give a charm of novelty. After 'two months' close attend-'ance at the theatres,' he completed *The Rosciad.*

It is not known to what bookseller he offered it, but it is certain that it was refused by more than one. Probably it went the round of 'The Trade;'—a Trade more remarkable for mis-valuation of its raw material, than any other in existence. He asked five guineas for the manuscript, (according to Southey; Mr Tooke says he asked twenty pounds,) and there was not a member of the craft that the demand did not terrify. But he was not to be baffled this time. He possibly knew the merit of what he had done. Here, at any rate, into this however slighted manuscript, a something long restrained within him had forced its way; and a chance he was determined it should have. It was no little risk to run in his position; but at his own expense he printed and published *The Rosciad.* It appeared without his name, after two obscure advertisements, in March 1761.

A few days served to show what *a hit* had been made. They who in a double sense had cause to feel it, doubtless cried out first; but *Who is He?* was soon in the mouths of all. Men upon town spoke of its pungency and humour; men of higher mark found its manly verse an unaccustomed pleasure; mere playgoers had its criticism to discuss; and discontented Whigs, in disfavour at court for the first time these fifty years, gladly

welcomed a spirit that might help to give discontent new terrors, and Revolution principles new vogue. Thus, in their turn, the wit, the strong and easy verse, the grasp of character, and the rude free daring of the *Rosciad*, were, within a few days of the appearance of its shilling pamphlet, the talk of every London coffee-house.

To account for the reception Satire commonly meets with in the world, and for the scantness of those that are offended with it, it has been compared to a sort of glass wherein beholders may discover every body's face but their own. The class whom the *Rosciad* offended, could discover nobody's face but their own. It was the remark of one of themselves, that they ran about the town like so many stricken deer. They cared little on their own account, they said; but they grieved so very much for their friends. 'Why should this man attack Mr Havard?' remonstrated one. 'I am not at all concerned for myself; but 'what has poor Billy Havard done, that he must be treated so 'cruelly?' To which another with less sympathy rejoined: 'And 'pray, what has Mr Havard done, that he cannot bear his mis-'fortunes as well as another?' For, indeed, many more than the Billy Havards had these misfortunes to bear. The strong, quite as freely as the weak, were struck at in the *Rosciad*. The Quin, the Mossop, and the Barry, had as little mercy as the Holland, the Jackson, and the Davies; and even Garrick was too full of terror at the avalanche that had fallen, to rejoice very freely in his own escape. Forsooth, he must assume indifference to the praise; and suggest in his off-hand grandeur to one of his retainers, that the man had treated him civilly no doubt, with a view to the freedom of the theatre. He had the poor excuse for this fribbling folly, (which Churchill heard and punished,) that he did not yet affect to know the man; and was himself repeating the question addressed to him on all sides, *Who is He?*

It was a question which the *Critical Reviewers* soon took upon themselves to answer. They were great authorities in those days, and had no less a person than Smollett at their head. But they bungled sadly here. The field which the *Rosciad* had invaded they seem to have thought their own; and they fell to the work of resentment in the spirit of the tiger commemorated in the *Rambler*, who roared without reply and ravaged without resistance. If they could have anticipated either the one or the other, they would doubtless have been a little more discreet. No question could exist of the authorship, they said. The thing was clear. Who were heroes in the poem? Messrs Lloyd and Colman. Then who could have written it? Why, who

other than Messrs Lloyd and Colman. '*Claw me, claw thee,* 'as Sawney says; and so it is; they go and scratch one another 'like Scotch pedlars.' Hereupon, for the *Critical Review* was a 'great fact' then, Lloyd sent forth an advertisement to say that he was never 'concerned or consulted' about the publication, nor ever corrected or saw the sheets. He was followed by Colman, who took the same means of announcing 'most solemnly' that he was 'not in the least concerned.' To these were added, in a few days, a third advertisement. It stated that Charles Churchill was the author of the *Rosciad*, and that his *Apology, addressed to the Critical Reviewers*, would immediately be published. Before the close of the month this poem appeared.

On all who had professed to doubt the power of the new writer, the effect was prompt and decisive. The crowd so recently attracted by his hard hitting, gathered round in greater numbers, to enjoy the clattering descent of such well-aimed blows on the astonished heads of unprepared Reviewers. One half the poem was a protest against the antipathies and hatreds that are the general welcome of new-comers into literature;—the fact in Natural History, somewhere touched upon by Warburton, that only Pikes and Poets prey upon their kind. The other half was a bitter depreciation of the stage; much in the manner, and hardly less admirable than the wit, of Hogarth. Smollett was fiercely attacked, and Garrick rudely warned and threatened. Coarseness there was, but a fearless aspect of strength; too great a tendency to say with willing vehemence whatever could be eloquently said; but in this a mere over-assertion of the consciousness of real power. In an age where most things were tame, except the practice of profligacy in all its forms; when Gray describes even a gout, and George Montagu an earthquake, of so mild a character that 'you might stroke them'—it is not to be wondered at that this *Apology* should have gathered people round it. Tame, it certainly was not. It was a curious contrast to the prevailing manner of even the best of such things. It was a fierce and sudden change from the *parterres* of trim sentences set within sweetbrier hedges of epigram, that were the applauded performances of this kind.

Smollett wrote to Garrick (we are told by Davies) to ask him to make it known to Mr Churchill, that he was not the writer of the notice of the *Rosciad*. Garrick wrote to Lloyd (we owe the publication of the letter to Mr Pickering) to praise Mr Churchill's genius, and grieve that he should not have been vindicated by their common friend from Mr Churchill's displeasure. The player accepted the poet's warning. There was no fear of his repeating the *bêtise* he had committed. To his most distinguished

friends, to even the Dukes and Dowagers of his acquaintance, he was careful never to omit in future his good word for Mr Churchill. Never, even when describing the 'misery' the *Rosciad* had inflicted on a dear friend, did he forget his own 'love to Churchill.' And they lived in amity, and Churchill dined at Hampton, to the last.

'I have seen the poem you mention, the *Rosciad*,' writes Garrick's friend Bishop Warburton, 'and was surprised at the excel-'lent things I found in it; but took Churchill's to be a feigned 'name, so little do I know of what is going forward.' This good Bishop little thinking how soon he was to discover a reality to himself in what was going forward, hardly less bitter than Garrick had confessed in the letter to Lloyd: 'of acting a plea-'santry of countenance while his back was most wofully striped 'with the cat-o'-nine tails.' The lively actor nevertheless subjoined: 'I will show the superiority I have over my brethren 'upon this occasion, by seeming at least that I am not dissatis-'fied.' He did not succeed. The acting was not so good as usual, the superiority not so obvious. For in truth his brethren had the best of it, in proportion as they had less interest in the art so bitterly, and, it must be added, so unjustly assailed. 'And 'it was no small consolation to us,' says Davies, with great *naïveté*, 'that our master was not spared.' Some of the more sensible went so far as to join in the laugh that had been raised against them; and Shuter asked to be allowed to make merry with the satirist—a request at once conceded.

On the other hand, with not a few, the publication of Churchill's name had aggravated offence, and re-opened the smarting wound. But they did not mend the matter. Their *Anti-Rosciads*, *Triumvirates*, *Examiners*, and *Churchilliads*, making what reparation and revenge they could, amounted to but the feeble admission of their opponent's strength; nor did hostilities more personal accomplish other than precisely this. Parties met to devise retaliation, and, talking loud against the 'Satirical Parson' in the Bedford coffee-house, quietly dispersed when a brawny figure appeared, and Churchill, drawing off his gloves with a particularly slow composure, called for a dish of coffee and the *Rosciad*. Their fellow-performer, Yates, seeing the same figure darken the parlour-door of the Rose tavern where he happened to be sitting, snatched up a case-knife to do summary justice; and was never upon the stage so heartily laughed at as when, somewhat more quietly, he laid it down. Foote wrote a lampoon against the 'Clumsy Curate,' and, with a sensible after-thought of fear, excellent matter of derision to the victims of a professional lampooner, suppressed it. Arthur Murphy less wisely published his, and pil-

loried himself; his *Ode to the Naiads of Fleet Ditch* being but a gross confession of indecency as well as imbecility—more than Churchill charged him with.

'*No more* he'll sit,' exclaimed this complacent counter-sati-'rist, from whom we may quote as the boldest assailant, 'in fore-'most row before the astonished pit; in brawn Oldmixon's rival 'as in wit; and grin dislike, and kiss the spike; and giggle, and 'wriggle; and fiddle, and diddle; and fiddle-faddle, and diddle-'daddle!' But Churchill returned to his front row, 'by Arthur 'undismayed;' and still formidable was his broad burly face when seen from the stage behind that spike of the orchestra. 'In this place he thought he could best discern the real workings 'of the passions in the actors, or what they substituted in the 'place of them,' says Davies, who had good reason to know the place. There is an affecting letter of his in the *Garrick Correspondence*, deprecating the manager's wrath. 'During the run 'of *Cymbeline*,' he says; and of course, as holder of the heavy business, he had to bear the burden of royalty in that play—'I 'had the misfortune to disconcert you in one scene for which I did 'immediately beg your pardon, and did attribute it to my acci-'dentally seeing Mr Churchill in the pit, with great truth; it 'rendering me confused and unmindful of my business.' Garrick might have been more tolerant of poor Davies, recollecting that on a recent occasion even the royal robes of *Richard* had not rapt himself from the consciousness of that ominous figure in the pit; and that he had grievingly written to Colman of his sense of the arch-critic's too apparent discontent.

Thus, then, had Churchill, in little more than two months, sprung into a notoriety of a very remarkable, perhaps not of a very enviable kind: made up of admiration and alarm. What other satirists had desired to shrink from, he seemed eager to brave; and the man, not less than the poet, challenged with an air of defiance the talk of the town. Pope had a tall Irishman to attend him when he published the *Dunciad*: Churchill was tall enough to attend himself. One of Pope's victims, by way of delicate reminder, hung up a birch rod at Button's: Churchill's victims might see him any day walking Covent-Garden unconcernedly, with a bludgeon under his arm. What excuse may be suggested for this personal bravado will be drawn from the incidents of his early life. If these had been more auspicious, the straightforward manliness of his natural character would steadily have sustained him to the last. As it was, even this noblest quality did him a disservice, being in no light degree responsible for his violent extremes. The restraint he had so long submitted to, thrown aside, and the compromise ended, he thought he could

not too plainly exhibit his new existence to the world. He had declared war against hypocrisy in all stations, and in his own would set it no example. The pulpit had starved him on forty pounds a-year; the public had given him a thousand pounds in two months; and he proclaimed himself, with little regard to the decencies in doing it, better satisfied with the last service than the first. This was carrying a hatred of hypocrisy beyond the verge of prudence; indulging it indeed, with the satire it found vent in, to the very borders of licentiousness. He stripped off his clerical dress by way of parting with his last disguise, and appeared in a blue coat with metal buttons, a gold-laced waistcoat, a gold-laced hat, and ruffles!

Dean Zachary Pearce, afterwards Bishop of Rochester, remonstrated with him. He said he was not conscious of deserving censure. The dean observed, that the frequenting of plays was unfitting, and the *Rosciad* indecorous. He replied, that so were some of the classics which the dean had translated. The 'dull 'dean's' third remonstrance as to dress met with the same fate; and it was not till the St John's parishioners themselves took the matter in hand, a few months later, that Churchill resigned the lectureship of that parish. It was just that they should determine it, he said; and the most severe assailant of his turbulent life would hardly charge him with indifference at any time to what he believed to be just. The date of his good fortune, and that of the comfort of his before struggling family, his 'brother John and sister Patty,' were the same. The complainings of his wife were ended when his poverty was ended, by the generous allowance he set aside for her support. Every man of whom he had borrowed was paid with interest; and the creditors whose compromise had left them without a claim upon him, received, to their glad amazement, the remaining fifteen shillings in the pound. 'In the instance,' says Dr Kippis, 'which fell 'under my knowledge as an executor and guardian, Mr Church'ill voluntarily came to us and paid the full amount of the ori'ginal debt.'

It was not possible with such a man as this, that any mad dissipation or indulgence, however countenanced by the uses of the time, could wear away his sense of its unworthiness, or silence remorse and self-reproach. Nor is it clear that Churchill's heart was ever with the scenes of gaiety into which he is now said to have recklessly entered, so much as with the friend by whose side he entered them. It is indeed mournfully confessed, in the opening of the Epistle to that friend, which was his third effort in poetry, that it was to heal or hide their care they often met; that not to defy but to escape the world, was too often their

desire; and that the reason was at all times but too strong with each of them, to seek in the other's society a refuge from himself.

This Epistle, addressed to Lloyd, and published in October 1761, was forced from him by the public imputations, now become frequent and fierce, on the moral character of them both. Armstrong, in a poetical epistle to his friend 'gay Wilkes,' had joined with these detractors; and his *Day* suggested Churchill's *Night*. It ridiculed the judgments of the world, and defied its censure; which had the power to call bad names, it said, but not to create bad qualities in those who were content to brave them. It had some nervous lines, many manly thoughts, and not a little questionable philosophy; but was chiefly remarkable for its indication of the new direction of Churchill's satire. There had been rumours of his intending a demolition of a number of minor actors hitherto unassailed, in a *Smithfield Rosciad;* and to a poor man's pitiable deprecation of such needless severity, he had deigned a sort of surly indignation at the rumour, but no distinct denial. It was now obvious that he contemplated other actors, and a very different theatre. Pitt had been driven to his resignation in the preceding month; 'and,' cried Churchill here, amid other earnest praise of that darling of the people, 'what honest man but would with joy submit, to 'bleed with Cato and retire with Pitt!'

'Gay Wilkes' at once betook himself to the popular poet. Though Armstrong's Epistle had been addressed to him, he said, he had no sympathy with it; and he was sure that Armstrong himself, then abroad, had never designed it for publication. Other questions and assurances followed; and so began the friendship which only death ended. Wilkes had little strength or sincerity of feeling of any kind; but there is no doubt that all he had was given to Churchill, and that he was repaid with an affection as hearty, brotherly, and true, as ever man inspired.

All men of all parties who knew John Wilkes at the outset of his extraordinary career, are in agreement as to his fascinating manners. It was particularly the admission of those whom he had most bitterly assailed. 'Mr Wilkes,' said Lord Mansfield, 'was the pleasantest companion, the politest gentleman, and the best scholar, I ever knew.' 'His name,' said Dr Johnson, 'has been sounded from pole to pole as the phœnix of convivial felicity.' More naturally he added: 'Jack has a great variety of talk; Jack is a scholar; and Jack has the manners of a gentleman.' And every one will remember his characteristic letter to Mrs Thrale: 'I have been breaking jokes with 'Jack Wilkes upon the Scotch. Such, madam, are the vicissi-'tudes of things.' There is little wonder that he who could con-

trol vicissitudes of this magnitude, should so quickly have controlled the liking of Churchill. He was the poet's elder by four years; his tastes and indulgences were the same; he had a character for public morality (for these were the days of wide separation between public and private morality) as yet unimpeached; and when they looked out into public life, and spoke of political affairs, they could discover no point of disagreement. A curious crisis had arrived.

Nearly forty years were passed since Voltaire, then a resident in London, had been assured by a great many persons whom he met, that the Duke of Marlborough was a coward and Mr Pope a fool. Party went to sleep soon after, but had now reawakened to a not less violent extreme. The last shadow of grave opposition to the House of Hanover vanished with the accession of George III. in 1760; and there was evil as well as good in the repose. With the final planting of the principle of freedom implied in the quiet succession of that House, men grew anxious to reap its fruit, and saw it nowhere within their reach. Pitt's great administration in the latter years of George II., merged these opening dissatisfactions in an overruling sense of national glory; but with the first act of the young King, with the stroke of the pen which made Lord Bute a privy councillor, they rose again. Party violence at the same time reawakened; and, parodying Voltaire's remark, we may say, that people were now existing who called William Pitt a pretender and Bubb Dodington a statesman.

To 'recover monarchy from the inveterate usurpation of oli-'garchy,' was, according to the latter eminent person's announcement to his patron, the drift of the Bute system. The wisdom of a Younger Party in more modern days, which (copying some peevish phrases of poor Charles I.) compares the checks of our English constitution to Venetian Doges and Councils of Ten, had its rise in the grave sagacity of Bubb Dodington. The method of the proposed 'recovery' was also notable; and has furnished precedents to later times. It was simply to remove from power every man of political distinction, and replace him with a convenient creature. Good means were taken. The first election of the new reign was remarkable for its gross venality; 'undertakers' had not been so rife or so active since the reign of James I.; one borough even publicly advertised itself for sale; and so far the desired success seemed within easy reach. But any shrewd observer might foresee a great impending change under the proposed new system, in the reaction of all this on the temper of the people out of doors. Sir Robert Walpole did strange things with the Commons' House, but for great popular

purposes. A bungling imitation of such things, for purposes wholly unpopular, would be a different matter. In a word, it might be clear to such a man as Wilkes, who had managed again to effect his return for the borough of Aylesbury, that a good day for a Demagogue was at hand.

He had the requisites for the character. He was clever, courageous, unscrupulous. He was a good scholar, expert in resource, humorous, witty, and a ready master of the arts of conversation. He could 'abate and dissolve a pompous gentle-'man' with singular felicity. Churchill did not know the crisis of his fortune that had driven him to patriotism. He was ignorant that within the preceding year, after loss of his last seven thousand pounds on his seat for Aylesbury, he had made an unsuccessful attempt upon the Board of Trade. He was not in his confidence when he offered to compromise with government for the embassy to Constantinople. He was dead when he settled into a quiet supporter of the most atrocious of 'things as they 'were.' What presented itself in the form of Wilkes to Churchill, had a clear unembarrassed front;—passions unsubdued as his own; principles rather unfettered than depraved; apparent manliness of spirit; real courage; scorn of conventions; an open heart and a liberal hand; and the capacity of ardent friendship. They entered at once into an extraordinary alliance, offensive and defensive.

It is idle to deny that this has damaged Churchill with posterity, and that Wilkes has carried his advocate alongst with him into the Limbo of doubtful reputations. But we will deny the justice of it. It is due to Churchill that we regard Wilkes from the point of view he presented between 1761 and 1764;—the patriot untried, the chamberlain unbought, befriended by Temple, countenanced by Pitt, persecuted by Bute, and, in two great questions which affected the vital interests of his countrymen, the successful assertor of English liberty. It is impossible to derive from any part of their intercourse one honest doubt of the sincerity of the poet. He flung himself, with perhaps unwarrantable heat, into Wilkes's personal quarrels; but even in these, if we trouble ourselves to look for it, we find a public principle very often implied. The men who had shared with Wilkes in the obscene and filthy indulgences of Medmenham Abbey, were the same who, after crawling to the favourite's feet, turned upon their old associate with disgusting pretences of indignation at his immorality. If in any circumstances satire could be forgiven for approaching to malignity, it would be in the assailment of such men as these. The Roman senators who met to decide

the fates of turbots, were not more worthy of the wrath of Juvenal.

As to these Medmenham Abbey proceedings, and the fact they indicate, we have nothing to urge but that the fact should be treated as it was. The late wise and good Dr Arnold lamented that men should speak of religious liberty, the liberty being irreligious; and of freedom of conscience, when conscience is convenience. But we must take this time now under consideration as we find it,—politics meaning something quite the opposite of morals: one side shouting for liberty and the other for authority, without regard in the least to what neither liberty nor authority can give us, without patient earnestness in other labour of our own, of obedience, reverence, and self-control. We before remarked, that Churchill's genius was affected by this characteristic of the time; and that what, as he so often shows, might otherwise have lain within his reach, even Dryden's greatness, even Pope's exquisite delicacy, *this* arrested. It was this which made his writing the rare mixture it so frequently is, of the artificial with the natural and impulsive; which so strangely and fitfully blended in him the wholly and the partly true; which impaired his force of style with prosaical weakness; and, (to sum up all in one extreme objection,) controlling his feeling for nature and truth by the necessities of partisan satire, levelled what he says, in too many cases, to a mere bullying reissue of conventional phrases and moral commonplace.

But it is not by these indifferent qualities in his works he should be, as he has too frequently been, condemned. Judge him at his best; judge him by the men whom he followed in this kind of composition; and his claim to the respectful and enduring attention of the students of English poetry and literature, becomes manifest indeed. Of the gross indecencies of Sir Charles Hanbury Williams, he has none. He never, in any one instance, that he might fawn upon power or trample upon weakness, wrote licentious lampoons. There was not a form of mean pretence or servile assumption which he did not denounce. Low, pimping politics, he abhorred: and that their vile abettors, to whose exposure his works are so incessantly devoted, have not carried him into utter oblivion with themselves, sufficiently argues for the sound morality and permanent truth expressed in his manly verse. He indulged too much in personal invective, as we have said; and invective has been famed for picking up the first heavy stone that lies by the wayside, without regard to its form or fitness. The English had not in his day borrowed from the French those nicer sharpnesses of satire which can dispense with anger and indignation; and which now, in the verse of

Moore and Beranger, or the prose of our pleasant *Punch or London Charivari*, suffice to wage all needful war with hypocrisy and falsehood.

In justice let us add to this latter admission, that Satire seems to us the only species of poetry which appears to be better understood than formerly. There is a painful fashion of obscurity in verse come up of late years, which is marring and misleading a quantity of youthful talent; as if the ways of poetry, like those of steam and other wonderful inventions, admitted of original improvements at every turn. A writer like Churchill, who thought that even Pope had cramped his genius not a little by deserting the earlier and broader track struck out by Dryden, may be studied with advantage by this section of 'Young England,' and we recommend him for that purpose. Southey is authority on a point of the kind; and he held that the injurious effects of Pope's dictatorship in rhyme, were not a little weakened by the manly, free, and vigorous verse of Churchill, during *his* rule as tribune of the people.

Were we to offer exception, it would rest chiefly on the fourth published poem of Churchill, which followed *Night*, and precedes what Southey would call his tribunitial career. This was the first book of the *Ghost*, continued, at later intervals, to the extent of four books. It was put forth by the poet as a kind of poetical *Tristram Shandy*—the ready resource of a writer who seized carelessly every incident of the hour; and, knowing the enormous sale his writings could command, sought immediate vent for even thoughts and fancies too broken and irregular for a formal plan. The *Ghost*, in his own phrase, was 'a 'mere amusement at the most; a trifle fit to wear away the 'horrors of a rainy day; a slight shot-silk for summer wear, just 'as our modern statesmen are.' And though it contained some sharply written character, such as the well-known sketch of Dr Johnson, (*Pomposo;*) and some graceful easy humour, such as the fortune-teller's experience of the various gullibility of man; it is not, in any of the higher requisites, to be compared with his other writings. It is in the octo-syllabic measure, only twice adopted by him.

The reason of his comparative failure in this verse may be guessed. Partly no doubt it was, that he had less gusto in writing it; that, not having a peremptory call to the subject, he chose a measure which suited his indolence. Partly also we must take it to be, that the measure itself, by the constantly recurring necessity of rhyme, (an easy necessity,) tends to a slatternly diffuseness. The heroic line must have muscle as it proceeds, and thus tends to strength and concentration. The eight-syllable

verse relies for its prop on the rhyme; and, being short, tends to do in two lines what the heroic feels bound to do in one.

But to his career as fellow-tribune with Wilkes, we now return. The new system had borne rapid fruit. In little more than twelve months, Lord Bute, known simply before that date as tutor to the heir-apparent, and supposed holder of a private key to the apartments of the heir-apparent's mother, had made himself a privy-councillor; had turned the Duke of Cumberland and the Princess Amelia out of the liturgy; had given himself the rangership of Richmond Park; had dismissed Legge from the Exchequer, and emptied and filled other offices at pleasure; had made Sir Francis Dashwood, Wilkes' quondam associate, and predecessor in the colonelcy of the Bucks militia, a King's minister; had made Bubb Dodington a lord; had turned out Pitt; had turned out Lord Temple; had turned out the Duke of Newcastle; had made himself Secretary of State; had promoted himself to be Prime Minister; had endued himself with the order of the Garter; had appointed to every lucrative state office in his gift, some one or other of his countrymen from the other side of Tweed; and had taken within his special patronage a paper called the *Briton*, written by Scotchmen, presided over by Smollett, and started to defend these things.

They had not, meanwhile, passed unheeded by the English people. When Pitt resigned, even Bubb Dodington, while he wished his lordship of Bute all joy of being delivered of a 'most 'impracticable colleague, his majesty of a most imperious ser-'vant, and the country of a most dangerous minister,' was obliged to add, that the people were 'sullen about it.' 'Indeed, my 'good friend,' answered Bute, 'my situation, at all times peril-'ous, is become much more so, for I am no stranger to the lan-'guage held in this great city; "Our darling's resignation is 'owing to Lord Bute, and he must answer for all the conse-'quences."' The truth was, that the people of that day, with little absolute power of interference in public affairs, but accustomed to hear themselves appealed to by public men, were content to see their favourites in office; and to surrender more substantial authority for a certain show of influence with the Parliamentary leaders. But with the words of their 'darling' ringing in their ears—that he had been called to the ministry by the voice of the people, that to them he was accountable, and that he would not remain where he could not guide: they began to suspect that they must now help themselves, if they would be helped at all. It is a dangerous thing to overstock either House with too strong an anti-popular party; it thrusts away into irresponsible quarters too many of the duties of opposition. Bute was

already conscious of this, when the first Number of the *North Briton* appeared.

The clever Colonel of Buckinghamshire militia, like a good officer, had warily waited his time. He did not apply the match till the train was fully laid, and an explosion sure. It has excited wonder, that papers of such small talent should have proved so effective; but smaller would have finished a work so nearly completed by Bute himself. It was the minister, not the demagogue, who had arrayed one section of the kingdom in bitter hostility against the other. Demagogues can never do themselves this service; being after all the most dependent class of the community, the mere lackeys of the lowest rank of uninstructed statesmen. A beggarly trade in sooth, and only better than the master's trade they serve. It is bad enough to live by vexing and exposing a sore, but worse to live by making one. There was violence on Wilkes's side; but there was also, in its rude coarse way, success. On the side of his opponents, there was violence and there was incapacity. Wilkes wrote libels in abundance; but, as he wittily expressed it, that he might try to ascertain how far the liberty of the Press could go. His opponents first stabbed the liberty of the Press in a thousand places; and then, as Horace Walpole said with a happier wit than Wilkes's, wrote libels on every rag of its old clothes.

Churchill assisted in the *North Briton* from the first; and wherever it shows the coarse broad mark of sincerity, there seems to us the trace of his hand. But he was not a good prose satirist. He wanted ease, delicacy, and fifty requisites beside, with which less able and sincere men have made that kind of work effective. He could sharpen his arrow-heads well; but without the help of verse could not wing them on their way. Of this he became himself so conscious, that when a masterly subject for increase of the rancour against the Scotch presented itself, and he had sent the paper to Press for the *North Briton*, he brought it back from the printer, suppressed it, and recast it into verse. Wilkes saw it in progress, and praised it exultingly. 'It is personal, it is poetical, it is political,' cried the delighted demagogue. 'It must succeed!' The *Prophecy of Famine*, a satire on Scotland and Scotchmen, appeared in January 1763, and did indeed fulfil the prophecy of Wilkes.

Its success was most remarkable; its sale rapid and extensive to a degree altogether without precedent. English Whigs were in raptures, and the *Annual Register* protested that Mr Pope was quite outdone. Scotch place-hunters outstripped the English players in performance of the comedy of Fear; for they felt with a surer instinct, like Swift's spider when the broom approached,

that to all intents and purposes of their existence, the Judgment-Day was come. Nothing could have delighted Churchill as this did. The half-crowns that poured into his exchequer, made no music comparable to that of these clients of Lord Bute, sighing and moaning in discontented groups around the place-bestowing haunts of Westminster. He indulged his exuberance of delight, indeed, with characteristic oddity and self-will. 'I remember 'well,' says Dr Kippis, 'that he dressed his younger son in a 'Scotch plaid, like a little Highlander, and carried him every 'where in that garb. The boy being asked by a gentleman with 'whom I was in company, why he was clothed in such a man-'ner? answered with great vivacity, "*Sir, my father hates the 'Scotch, and does it to plague them!*"' The anecdote is good. On the one side, there is what we may call attending to one's child's habits; and on the other, a satisfactory display of hereditary candour and impudence. There is also a fine straightforward style. Johnson himself could not have related the motive better. Put 'his' instead of 'my,' and it is indeed precisely what Johnson would have said. *Boswell.* Sir, why does Churchill's little boy go about in a Scotch dress? *Johnson.* Sir, his father hates the Scotch, and does it to plague them!

He plagued them thoroughly, that is certain; and with good cause. We need not tenderly excuse ourselves by Boswell's example for admiring this *Prophecy of Famine.* 'It is indeed '*falsely applied* to Scotland,' says that good North Briton; 'but on that account may be allowed a greater share of inven-'tion.' We need not darken what praise we give by the reservations of the last amiable and excellent historian of England. 'It may yet be read,' says Lord Mahon, 'with all the admiration 'which the most vigorous powers of verse, and the most lively 'touches of wit *can earn, in the cause of slander and falsehood.*' It seems to us that, without either forced apologies or hard words, we may very frankly praise the *Prophecy of Famine.* A great poet and a faithful Scotchman did not scruple to say of it, that even to the community north of Tweed it should sheathe its sting in its laughable extravagance; and in truth it is so written, that what was meant for the time has passed away with its virulent occasion, and left behind it but the lively and lasting colours of wit and poetry. '*Dowdy Nature,*' to use the exquisite phrase with which it so admirably contrasts the flaring and ridiculous vices of the day, has here too reclaimed her own, and dismissed the rest as false pretences. We should as soon think of gravely questioning its Scotch 'chameleon,' as of arguing against its witty and masterly exaggerations. With consummate ease it is written; sharp readiness of expression keeping pace with the

swiftest ease of conception; never the least loitering at a thought, or labouring of a word. In this peculiar earnestness and gusto of manner, it is as good as the writers of Dryden's more earnest century. Marvel might have painted the Highland lass, who forgot her want of food as she listened to madrigals all natural though rude: 'and, *whilst she scratch'd her lover into rest, sank* '*pleased, though hungry,* on her Sawney's breast.' Like Marvel, too, is the starving scene of withering air, through which no birds '*except as birds of passage* flew;' and which no flower embalmed but ONE *white rose,* 'which on the tenth of June by instinct 'blows;'—the Jacobite emblem, and the Pretender's birthday. In grasp of description, and a larger reach of satire, the Cave of Famine in the poem ranks higher still. The creatures which, when admitted in the ark, '*their saviour shunn'd and rankled in* '*the dark;*' the webs of more than common size, '*where half-* '*starved spiders prey'd on half-starved flies;*' are more than worthy of the master-hand of Dryden.

We cannot leave the poem without remarking the ingenuity of praise it has exacted from Mr Tooke. It has been observed of it, he says, and he adopts the observation, 'that the author displays 'peculiar skill in throwing his thoughts into poetical paragraphs, 'so that the sentence swells to the conclusion, *as in prose*' ! ! This we must call the first instance, within our knowledge, of an express eulogy of Poetry on the ground of its resemblance to Prose. Dr Johnson was wont to note a curious delusion in his day, which has prevailed very generally since, that people supposed they were writing poetry when they did not write prose. Mr Tooke and his friend represent the delusion of supposing poetry to be but a better sort of prose.

Churchill was now a marked man. He had an unbounded popularity with what are called the middle classes; he had the hearty praise of the Temple section of Whigs; he was 'quoted and signed' by the ministerial faction for some desperate deed they but waited the opportunity desperately to punish; he was the common talk, the theme of varied speculation, the very 'comet of the season,' with all men. The advantage of the position was obvious; and his friends would have had him discard the ruffles and gold lace, resume his clerical black coat, and turn it to what account he could. 'His most intimate friends,' says the good Dr Kippis, 'thought his laying aside the ex- 'ternal decorums of his profession a blamable opposition to the 'decencies of life, and likely to be hurtful to his interest; since 'the abilities he was possessed of, and the figure he made in 'political contests, would perhaps have recommended him to 'some noble patron, from whom he might have received a valu-

'able benefice!' Ah! good-natured friends. Could this unthinking man but have looked in the direction of a good benefice, with half the liquorish ardour of patriot Wilkes to his ambassadorships and chamberlainships in prospect, no doubt it *might* have fallen in his lap. But he 'lacked preferment' as little as the Prince of Denmark himself. He had no thought that way. He had no care but for what he had in hand; that whilst he could hold the pen, 'no rich or noble knave should walk the earth in credit 'to the grave,' beneficed or unbeneficed. There was not a dispenser of patronage or power, though 'kings had made him more 'than ever king a scoundrel made before,' whom he would have flattered or solicited. It was when his friend was sounding a noble acquaintance and quondam associate as to chances of future employment, that with sullen sincerity he was writing to his friend, '*I fear the damned aristocracy is gaining ground in this country.*' It was when his friend was meditating the prospective comforts of a possible mission to Constantinople, that he was beneath the portrait of his friend devoutly subscribing the lines of Pope, '*A soul supreme in each hard instance tried!*'

When Horace Walpole anticipated the figure these days would cut in history, and laughingly described to his dear Marshal Conway how that the Warburtons and Gronoviuses of future ages would quote them, then living, like their wicked predecessors the Romans, as models of patriotism and magnanimity, till their very ghosts must blush; when he painted the great duke, and the little duke, and the old duke, and the Derbyshire duke, all-powerful if they could but do what they could not—hold together and not quarrel for the plunder; when he set before him stark-mad opposition patriots, abusing one another more than any body else, and Cæsar and Pompey scolding in the temple of concord; though he did not omit Mr Satirist Churchill from the motley scene—even he did not think of impugning his rough plain-speaking sincerity. 'Pitt more eloquent than Demosthenes, 'and trampling on proffered pensions like . . . I don't know 'who; Lord Temple sacrificing a brother to the love of his coun-'try; Wilkes as spotless as Sallust; and the flamen Churchill 'knocking down the foes of Britain with statues of the gods!' Certain it is, that with far less rich material than statues of the gods, Churchill transacted his work. It was a part of his hatred of the hypocrisies to work with what he had before him:—small ungodlike politicians enough, whom he broke into smaller pieces, and paved Pitt's road with, back into power.

Meanwhile his private life went on, in its impetuous rounds of dissipation, energy, and self-reproach; hurried through fierce extremes, by contrast made more fierce. One of his existing Notes

to Garrick is the record of a drunken brawl. One of his Letters to Wilkes is the after-penance of repentance.

Unable further to resist the storm that had been raised against him, Bute resigned on the 8th of April 1763. The formation of the new ministry, with Dashwood ennobled as Lord le Despenser; with another monk of Medmenham Abbey, Lord Sandwich, popularly known as *Jemmy Twitcher*, placed a few months later at the admiralty; and with Lord Halifax, secretary of state; is to be read of to this day in the histories, or might possibly be disbelieved. 'And so Lord Sandwich and Lord Halifax are 'statesmen, are they?' wrote Gray. 'Do not you remember 'them dirty boys playing cricket?' Truly they were still as dirty, and still only playing out their game. 'It is a great 'mercy,' exclaimed Lord Chesterfield, 'to think that Mr Wilkes 'is the intrepid defender of our rights and liberties; and no less 'a mercy, that God hath raised up the Earl of Sandwich to vin-'dicate our religion and morality.'

The histories also record the publication, on the 23d of April in the same year, of the forty-fifth number of the *North Briton*. A new ministry has great superfluous energy; and an evil hankering to use it. The wished-for occasion was supposed to have come; the new ministers thought, at any rate, what Walpole calls a *coup-d'eclat* might make up for their own absurd insignificance; and on the information of the publisher, who was arrested and examined with the supposed printer, 'that Mr Wilkes gave orders 'for the printing, and that Mr Churchill (the poet) received the 'profits arising from the sale,' warrants were issued for the arrest of Wilkes and Churchill.

The great questions that arose upon these warrants, and Wilkes's vindication through them of the most valuable privileges of English freedom, are well-known matters of history. Some curious incidents, preserved in his second letter to the Duke of Grafton, are less notorious. 'I desired to see the war-'rant,' he writes, after describing the arrival of the King's messenger. 'He said it was against "the authors, printers, and pub-'lishers of the *North Briton, No.* 45," and that his verbal orders 'were, to arrest Mr Wilkes. I told him the warrant did not 'respect me; that such a warrant was absolutely illegal and 'void in itself; that it was a ridiculous warrant against the whole 'English nation;' (in effect, forty-eight persons were attacked under it: publishers dragged from their beds, and whole office-fuls of printers placed within durance!) 'and I asked why he 'would rather serve it on me than on the Lord Chancellor, or 'either of the Secretaries, or Lord Bute, or Lord Corke my 'next-door neighbour. The answer was, *I am to arrest Mr*

'*Wilkes*. About an hour afterwards two other messengers ar-
'rived, and several of their assistants. While they were with
'me, Mr Churchill came into the room. I had heard that their
'verbal orders were likewise to apprehend him, but I suspected
'they did not know his person; and, by presence of mind, I had
'the happiness of saving my friend. As soon as Mr Churchill
'entered the room, I accosted him. "Good-morrow, Mr Thom-
'son. How does Mrs Thomson do to-day? Does she dine *in*
'*the country?*" Mr Churchill thanked me; said she then waited
'for him; that he had only come for a moment to ask me how I
'did; and almost directly took his leave. He went home imme-
'diately, secured all his papers, and retired into the country.
'The messengers could never get intelligence where he was. The
'following week he came to town, and was present both the days
'of hearing at the Court of Common Pleas.'

On the second day, another was present—a man whose name is now one of our English household words, but who unhappily thought more of himself that day as the *King's Sergeant Painter* —a dignity he had just received and was to wear for some brief months—than as that *Painter of the People* who had from youth to age contended against every form of hypocrisy and vice, and, the unbribed and unpurchasable assailant of public and private corruption, was to wear *that* dignity for ever. As Chief-Justice Pratt delivered his immortal judgment against General Warrants, Hogarth was seen in a corner of the Common Pleas, pencil and sketch-book in hand, fixing that famous caricature, from which, as long as caricature shall last, Wilkes will squint upon posterity. Nor was it his first pictorial offence. The caricaturing had begun some little time before, greatly to the grief both of Wilkes and Churchill; for Hogarth was on friendly terms with both, and had indeed, within the past two years, drunk 'divine milk-punch' with them and Sir Francis Dashwood in the neighbourhood of Medmenham Abbey. Disregarding their earnest remonstrance, he assailed Pitt and Temple at the close of the preceding year in his first print of the *Times*. The *North Briton* retaliated; and the present caricature of Wilkes was Hogarth's rejoinder. It stung Churchill past the power of silence.

The *Epistle to William Hogarth* was published in July 1763. With here and there those strangely prosaic lines which appear in almost all his writings, and in which he seems to make careless and indolent escape from those subtler and more original words which were alike at his command, this was a dashing and vigorous work. With an avowal that could hardly have been pleasing to Wilkes himself—that railing thousands and

commending thousands were alike uncared for by the writer—it struck Hogarth where he was weakest: in that subjection to vanity which his friends confessed in him; in that enslavement to all the unquiet distrusts of envy, 'who, with giant stride, 'stalks through the vale of life by virtue's side,' which he had even confessed in himself. We do not like to dwell upon it, so great is our respect for Hogarth's genius; but, at the least, it spared that genius. Amid its savage ferocity against the man, it was remarkable for a noble tribute to the artist. It predicted the duration of his works to the most distant age; and the great painter's power to curse and bless, it rated as that of 'a little 'god below.'

But this did not avail against the terrible severity. There is a passage beginning, 'Hogarth, I take thee, Candour, at thy 'word;' marked by a racy, idiomatic, conversational manner, flinging into relief the most deadly abuse, which we must fairly think appalling. All who knew the contending parties stood aghast. 'Pray let me know,' wrote Garrick, then visiting at Chatsworth, to Colman, 'how the town speaks of our friend 'Churchill's *Epistle*. It is the most bloody performance that 'has been published in my time. I am very desirous to 'know the opinion of people, for I am really much, very 'much hurt at it. His description of his age and infirmities 'is surely too shocking and barbarous. Is Hogarth really 'ill, or does he meditate revenge? Every article of news about 'these matters will be most agreeable to me. Pray, write 'me a heap of stuff, for I cannot be easy till I know all about 'Churchill and Hogarth.' And of course the lively actor sends his 'loves' to both Hogarth and Churchill. 'Send me 'Churchill's poem on Hogarth,' writes old money-loving Lord Bath from Spa; 'but if it be long, it will cost a huge sum in 'postage.' With his rejoinder, such as it was, Hogarth lost little time. He issued for a shilling, before the month was out, 'The Bruiser C. Churchill, (once the Rev.,) in the cha-'racter of a Russian Hercules, regaling himself after having killed 'the monster Caricatura that so sorely galled his virtuous friend 'the heaven-born Wilkes.' It was a bear, in torn clerical bands, and with paws in ruffles; a pot of porter that has just visited his jaws hugged on his right, and a knotted club of *Lies* and *North Britons* clutched on his left; to which, in a later edition of the same print, he added a scoffing caricature of Pitt, Temple, and Wilkes. The poet meanwhile wrote to the latter, who had gone to Paris to place his daughter at school, and told him that Hogarth, having violated the sanctities of private life in this caricature, he meant to pay it back with an *Elegy*, supposing him

dead; but that a lady at his elbow was dissuading him with the flattery (and 'how sweet is flattery,' he interposes, 'from the 'woman we love!') that Hogarth was already killed.

That the offending painter was already killed, Walpole and others beside this nameless lady also affirmed; and Colman boldly avouched in print, that the *Epistle* had 'snapped the last 'cord of poor Hogarth's heartstrings.' But men like Hogarth do not snap their heartstrings so easily. The worst that is to be said of the fierce assault, is bad enough. It embittered the last years of a great man's life; and the unlooked-for death of assailant and assailed within nine days of each other, prevented the reconciliation which would surely, sooner or later, have vindicated their common genius, the hearty English feeling which they shared, and their common cordial hatred of the falsehoods and pretences of the world.

The woman whose flattery Churchill loved, may not be omitted from his history. His connexion with her, which began some little time before this, gave him greater emotion and anxiety than any other incident of his life. 'I for-'got to tell you,' writes Walpole to Lord Hertford, 'and you 'may wonder at hearing nothing of the Rev. Mr Charles 'Pylades, while Mr John Orestes is making such a figure; but 'Doctor Pylades, the poet, has forsaken his consort and the 'muses, and is gone off with a stone-cutter's daughter. If he 'should come and offer himself to you for chaplain to the 'embassy!' The circumstance has since been told by a sincerer man; and we shall alike avoid the danger of too much leniency and too great a severity, if we give it in his temperate language. 'He became intimate with the daughter of a tradesman in West-'minster,' says Southey in the *Life of Cowper*, (she is described by others as the daughter of a 'highly respectable sculptor,') 'seduced her, and prevailed on her to quit her father's house 'and live with him. But his moral sense had not been 'thoroughly depraved; a fortnight had not elapsed before both 'parties were struck with sincere compunction, and through the 'intercession of a true friend, at their entreaty, the unhappy 'penitent was received by her father. It is said she would have 'proved worthy of this parental forgiveness, if an elder sister 'had not, by continued taunts and reproaches, rendered her life 'so miserable, that, in absolute despair, she threw herself upon 'Churchill for protection.' He again received her, and they lived together till his death; but he did not, to himself or others, attempt to vindicate this passage in his career. A poem called the *Conference*, in which an imaginary lord and himself are the interlocutors, happened to engage him at the time; and

he took occasion to give public expression to his compunction and self-reproach, in a very earnest and affecting manner.

It may be well to quote the lines. They are not only a confession of remorse: they are also a proud profession of political integrity, in which all men may frankly believe. The Poem, one of his masterpieces, followed the *Epistle to Hogarth;* right in the wake of the abundant personal slander which had followed that work, and the occurrence we have named. It began with a good picture of *my lord* lolling backward in his elbow-chair, 'with an insipid kind of stupid stare, picking his teeth, twirling 'his seals about—*Churchill, you have a poem coming out?*' The dialogue then begins, and some expressions are forced from Churchill as to the straits of life he has passed; and the public patronage, his soul abhorring all private help, which has brought him safe to shore. Alike secure from dependence and pride, he says, he is not placed so high to scorn the poor, 'Nor 'yet so low that I my lord should fear, or hesitate to give him 'sneer for sneer.' But that he is able to be kind to others, to himself most true, and, feeling no want, can 'comfort those 'who do,' he proudly avers to be a public debt. The lord rebukes him; and setting forth the errors of his private life, draws from him this avowal.

> ' 'Tis not the babbling of a busy world,
> Where praise and censure are at random hurl'd,
> Which can the meanest of my thoughts control,
> Or shake one settled purpose of my soul.
> Free and at large might their wild curses roam,
> If all, if all, alas! were well at home.
> No! 'tis the tale which angry conscience tells,
> When she with more than tragic horror swells
> Each circumstance of guilt: when stern, but true,
> She brings bad actions forth into review,
> And like the dread handwriting on the wall,
> Bids late remorse awake at reason's call:
> Arm'd at all points, bids scorpion vengeance pass,
> And to the mind holds up reflection's glass:
> The mind which, starting, heaves the heart-felt groan,
> And hates that form she knows to be her own.
> Enough of this. Let private sorrows rest.
> As to the public, I dare stand the test:
> Dare proudly boast, I feel no wish above
> The good of England, and my country's love.'

This man's heart was in the right place. 'Where is the bold 'Churchill?' cried Garrick, when he heard of the incident as he travelled in Rome. 'What a noble ruin! When he is quite

'undone, you shall send him here, and he shall be shown among 'the great fragments of Roman genius, Magnificent in ruin!' But not yet was he *quite undone.* His weakness was as great as his strength, but his vices were not so great as his virtues. In the unequal conflict thus plainly and unaffectedly revealed by himself, those vices had the worst of it. What rarely happens where such high claims exist, has indeed happened here; and the loudest outcry against the living Churchill has had the longest echo in our judgment of the dead: but there is a most affecting voice in this and other passages of his writings, which enter on his better behalf the final and sufficing appeal. Nor were some of his more earnest contemporaries without the justice and generosity to give admission to it, even while he lived. As hero of a scene which shows the range of his character wider than the limits of his family, his dependents, or his friends, (for the kite can be as comfortable to the brood beneath her as the pelican or dove,) the young-hearted and enthusiastic Charles Johnson has depicted Charles Churchill in *Chrysal, or the Adventures of a Guinea.*

Whilst he was one night 'staggering' home, as he says, after a supper in which spirited wit and liveliness of conversation, as well as rectitude and sublimity of sentiment, had gilded gross debauchery, a girl of the street addressed him. 'Her figure was 'elegant, and her features regular; but want had sicklied o'er 'their beauty; and all the horrors of despair gloomed through the 'languid smile she forced, when she addressed him. The sigh 'of distress, which never struck his ear without affecting his 'heart, came with double force from such an object. He viewed 'her with silent compassion for some moments; and reaching her 'a piece of gold, bade her go home and shelter herself from the 'inclemencies of the night at so late an hour. Her surprise and 'joy at such unexpected charity overpowered her. She dropped 'upon her knees in the wet and dirt of the street, and raising her 'hands and eyes toward heaven, remained in that posture for 'some moments, unable to give utterance to the gratitude that 'filled her heart.' Churchill raised her tenderly; and as he would have pressed some instant refreshment upon her, she spoke of her mother, her father, and her infant brother, perishing of want in the garret she had left. 'Good God!' he exclaimed, 'I'll go with you myself directly! But stop. Let us 'first procure nourishment from some of the houses kept open 'at this late hour for a very different purpose. Come with me! 'We have no time to lose.' With this he took her to a tavern, loaded her with as much of the best as she could carry, and putting two bottles of wine in his own pocket, walked with her to her miserable home. There, with what pains he could, he

assuaged the misery, more appalling than he fancied possible; passed the whole night in offices of the good Samaritan; nor changed his dress next morning till he had procured them a new 'and better lodging, and provided for their future comfort: when, 'repressing as he could their prayers and blessings, he took 'leave.' How the Recording Angel sets down such scenes, and enters up the debtor and creditor account of such a man, *My Uncle Toby* has written.

The interval of absence from London during the progress of the General Warrants case, he passed at Oxford with Colman and Bonnell Thornton; and in Wales with her who had asked from him the protection she knew not where else to seek, and whom he ever after treated as his left-handed wife, united to him by moral ties. On his return, in the autumn of 1763, he heard that Lloyd had been thrown into the Fleet. The *Magazine* he was engaged in had failed, and a dispute of the proprietorship suddenly overwhelmed him with its debts. Churchill went to him; comforted him as none else could; provided a servant to attend him as long as his imprisonment should last; set apart a guinea a-week for his better support in the prison; and at once began a subscription for the gradual and full discharge of his heavy responsibilities. There was all the gratitude of the true poet in this; for, whatever may be said to the contrary, poets *are* grateful. Dr Lloyd had been kind to Churchill: Churchill never deserted Dr Lloyd's son. And when, some few months later, he pointed his satire against the hollow Mæcenases of the day; in rebuke to their affected disclaimer of his charge that they would have left a living Virgil to rot, he bade the vain boasters to the Fleet repair, and ask, 'with blushes ask, if Lloyd 'is there?'

The close of the year witnessed one or two notable events, not needful to be other than slightly dwelt upon, since history has attended to them all. On the motion of Mr Grenville (whose jealousy of Pitt had broken the Temple phalanx) in the Lower House, the *North Briton* was ordered to the hangman's hands to be burnt; and on the motion of Lord Sandwich in the Upper, Wilkes was committed to the hands of the Attorney-general for prosecution; as writer of a privately printed immoral parody of Pope's *Essay on Man*. Some whispers of this latter intention had been carried to Churchill before the session opened, in Wilkes's temporary absence at Paris; but, according to the affidavit of one of the printers concerned, the poet scorned the possibility of public harm to his friend from a private libel; of which not a copy that had not been stolen (a man named Kidgell, whom Walpole calls a dirty dog of a parson, was the thief

and government-informant) was in circulation. He therefore roughly told the printer who brought him his suspicions, that 'for any thing the people in power could do, they might be 'damned.' But he had greatly underrated, if not the power of these people, their power of face.

Lord Sandwich rose in his place in the House of Lords, the *Essay on Woman* in his hand, with all the indignant gravity of a counsel for the entire morality of the kingdom. 'It was 'blasphemous!' exclaimed the first Lord of the Admiralty. And who should know blasphemy better than a blasphemer? His Lordship was expelled by the Beef-steak Club for the sin he charged on Wilkes. But he knew his audience, and went steadily on. He read the *Essay on Woman* till Lord Lyttleton begged the reading might be stopped: he dwelt upon a particular Note, which, by way of completing the burlesque, bore the name of Pope's last editor, till Warburton rose from the bench of Bishops, begged pardon of the devil for comparing him with Wilkes, and said the blackest fiends in hell would not keep company with the demagogue when he should arrive there. Nothing less than the expulsion of the man from Parliament (he was already expelled from the Colonelcy of the Bucks militia, and Lord Temple from the Bucks lord-lieutenancy for supporting him) could satisfy this case.

Expulsion was a happy expedient for controlling the elective franchise, which the popular Walpole had himself resorted to; but in such wise that the popular franchise seemed all the more safely secured by it. Now the people saw it revived and enforced, for purposes avowedly and grossly unpopular. They were asked to sanction the principle, of a politician made accountable for immorality, by men whose whole lives had shamelessly proclaimed the prevailing divorce between politics and morals; and morality herself, howsoever regretting it, might hardly blame them for the answer they gave. They resisted. They stood by Wilkes more determinedly than ever; and excitement was raised to a frightful pitch. A friend of Sandwich's, who, the day after his motion against the *Essay*, cried exultingly that 'nobody but he could have struck a stroke like this,' was obliged to confess within eight days more, that 'the blasphemous book 'had fallen ten times heavier on Sandwich's head than on 'Wilkes's, and had brought forward such a catalogue of anec-'dotes as was incredible.' Nay, so great the height things went to, Norton's impudence forsook him; and Warburton, who had expunged Pitt's name for Sandwich's in the dedication to his forthcoming *Sermons*, thought it best to reinstate it suddenly.

Nevertheless, the result of the ministerial prosecution drove

Wilkes to France. There was a design that Churchill, after publication of the poem which arose out of these transactions, and which Horace Walpole thought 'the finest and bitterest of 'his works,' (the *Duellist*,) should have followed his friend; enquiries being meanwhile set on foot whether the French government would protect them in efforts to assail their own. The answer was favourable, but the scheme was not pursued. It has been on excellent grounds surmised, that Churchill's English feeling revolted at it; and he was essential to its success. His reputation, limited as his themes had been, was not limited to England. 'I don't know,' wrote Horace Walpole to Sir H. Mann, in one of his lately published Letters, 'whether this man's fame has extended to Florence; but you may judge of the noise he makes in this part of the world by the following trait, which is a pretty instance of that good-breeding on which the French pique themselves. My sister and Mr Churchill are in France. A Frenchman asked him if he was Churchill *le fameux poète*. *Non. Ma foi, Monsieur, tant pis pour vous!*' To think that it should be so much the worse for the son of a General, and the husband of a Lady Maria, daughter to an Earl, not to be a low-bred scribbler! Nevertheless, to this day, the world takes note of only one Charles Churchill! Whether so much the worse, or so much the better, for the other, it is not for us to decide.

The poet, then, stayed in England; and worked at his self-allotted tasks with greater vigour than ever. Satire has the repute of bringing forth the energies of those who, on other occasions, have displayed but few and feeble. Even Mason lost his cramps and stiffnesses among the bubbles of these hot springs. It is certain that Churchill, with his Beefsteak and other clubs to attend to, his *North Briton* to manage, and, not seldom, sharp strokes of illness to struggle with, never sent forth so many or such masterly works as in the last nine months of his rapid and brilliant career.

And he was able to do so much because he was thorough master of what he had to do. He understood his own powers too completely, to lay any false strain upon them. The ease with which he composed is often mentioned by him, though with a difference. To his Friend he said, that nothing came out till he began to be pleased with it himself; to the Public, he boasted of the haste and carelessness with which he set down and discharged his rapid thoughts. Something between the two would probably come nearest the truth. No writer is at all times free from what Ben Jonson calls 'pinching throes;' and Churchill often con-

fesses them. It may have been with a bitter sense of their intensity that he used the energetic phrase, afterwards remembered by his publisher—'blotting was like cutting away one's own 'flesh.' He did not particularly affect the life of a man of Letters, and, for the most part, avoided that kind of society; for which Dr Johnson pronounced him a blockhead. Boswell remonstrated. 'Well, sir,' said Johnson, 'I will acknowledge that I have a better opinion of him than I once had; for he has shown more fertility than I expected. To be sure, he is a tree that cannot produce good fruit: he only bears crabs. But, sir, a tree that produces a great many crabs is better than a tree which produces only a few.'

Such as it was—and it can afford this passing touch of blight—the tree was now planted on Acton Common. After the departure of Wilkes, he had moved from his Richmond residence into a house there, described by the first of his biographers, two months after his death, to have been furnished with extreme elegance; and where he is said, by the same worthy scribe, to have 'kept his post-'chaise, saddle-horses, and pointers; and to have fished, fowl-'ed, hunted, coursed, and lived in an independent, easy manner.' He did not however so live, as to be unable carefully to lay aside an honourable provision for all who were dependent on him. This, it is justly remarked by Southey, was his meritorious motive for that greediness of gain with which he was reproached;—as if it were any reproach to a successful author that he doled out his writings in the way most advantageous to himself, and fixed upon them as high a price as his admirers were willing to pay. Cowper has made allusion to some of these points, in his fine delineation of his old friend and school-fellow in the *Table Talk*.

The *Author*, published almost contemporaneously with the *Duellist*, had the rare good fortune to please even his critics. Horace Walpole could now admit, that even when the satirist was not assailing a Holland or a Warburton, the world were 'transported' with his works, and his numbers were indeed 'like Dryden's.' The Monthly Reviewers sent forth a frank eulogium: even the Critical found it best to forget their ancient grudge. And in the admirable qualities not without reason assigned to it, the *Author* seems to us to have been much surpassed by his next performance, *Gotham*.

When Cowper fondly talked, as it was his pleasure and his pride to do, of 'Churchill, the great Churchill, for he well de-'served the name,' it was proof of his taste that he dwelt with delight on this 'noble and beautiful poem.' Its object was not clearly comprehended at the first, but, as it proceeded, became

evident. It was an *Idea of a Patriot King* in verse; and in verse, of which, with all its carelessness, we hold with Cowper that few exacter writers of his class have equalled, for its 'bold and 'daring strokes of fancy; its numbers so hazardously ventured 'upon and so happily finished; its matter so compressed and yet so 'clear; its colouring so sparingly laid on and yet with such a beau-'tiful effect.' We would have quoted much, and regret that we can but quote a fragment of one passage. It is brief and unconnected, but part of a fine strain of descriptive poetry. The reader's national pride will not intercept his admiration of the wit of the line which precedes the fine picture of the cedar; and he will admire the excellent and subtle art with which the verse seconds the sense.

> 'The hedge-row elm; the pine, of mountain race;
> The fir, the Scotch fir, never out of place;
> *The cedar, whose top mates the highest cloud,*
> *Whilst his old father Lebanon grows proud*
> *Of such a child, and his vast body laid*
> *Out many a mile, enjoys the filial shade;*
> The oak, when living, monarch of the wood;
> The English oak, which, dead, commands the flood!
> * * * * *
> The sun, who, travelling in eastern skies,
> *Fresh, full of strength, just risen from his bed,*
> *Though in Jove's pastures they were born and bred,*
> *With voice and whip, can scarce make his steeds stir,*
> *Step by step, up the perpendicular;*
> Who, at the hour of eve, panting for rest,
> Rolls on amain, and gallops down the west
> As fast as Jehu, oil'd for Ahab's sin,
> Drove for a crown, or postboys for an inn.'

Gotham was less successful than the more personal satires, and the author might have felt, as his 'great high priest of all 'the nine' did, when he remembered the success of *MacFlecknoe*, amid the evil days on which the *Religio Laici* and *Hind and Panther* had fallen. Nothing ever equalled a satire for a sale, said the old bookseller Johnson to his son Samuel—a good swingeing satire, 'or a *Sacheverell's Trial!*' Churchill was reminded of it by his quondam friend Foote; but the advice need hardly have been given. So timely a subject came unexpectedly to hand, that in no case could Churchill have resisted it. Lord Sandwich became a candidate for the high stewardship of Cambridge University. 'I thank you,' wrote Lord Bath to Colman, 'for the *Candidate*, which is, in my opinion, the 'severest, and the best, of all Churchill's works. He has a 'great genius, and is an excellent poet.' Notwithstanding

which praise from such a critic, we shall not hesitate to aver, that the *Candidate* really is an excellent poem, with lines as fine in it as any from Churchill's hand. Such are those wherein the miseries of evil counsel to royalty are dwelt upon; and Kings are described as 'made to *draw their breath in darkness thicker* '*than the shades of Death.*' The portrait of Lord Sandwich is also excellent, and has several fine touches; though, undoubtedly, were we to compare it with that of Buckingham by Dryden, it might seem as a mere impressive and startling list of materials for satire, beside the subtler extract of the very spirit of satire itself. But it is writing of a most rare order.

The *Farewell*, and the *Times*, (the latter only to be referred to as Dryden refers to some of the nameless productions of Juvenal, tragical provocations tragically revenged,) now followed in rapid succession; and *Independence*, the last work published while he lived, appeared at the close of September 1764. It is a final instance of Mr Tooke's misfortunes in criticism, that though he admits this poem to display 'vigour' in some scattered passages, he sets it down as 'slovenly in composition, 'hackuied in subject, and common-place in thought.' It is very far from this! A noble passage at the commencement, is worthy of Ben Jonson himself, and very much in his manner.

> 'What is a Lord? Doth that plain simple word
> Contain some magic spell? *As soon as heard,*
> *Like an alarum bell on Night's dull ear,*
> *Doth it strike louder, and more strong appear*
> *Than other words?* Whether we will or no,
> Through reason's court doth it unquestion'd go
> E'en on the mention, and of course transmit
> Notions of something excellent?

The same poem contains a full-length portrait of the poet, with the unscrupulous but lifelike mark of his own strong, unflattering hand. He laughs at himself as an 'unlick'd' bear; and tells us that Hogarth, 'even envy must allow,' would draw to the life his awkward foppery, 'were Hogarth living now.' Hogarth *was* 'living now,' but at the moment when the words were written, within view of his death-bed. Churchill little knew how nearly he approached his own; and yet, in the unfinished *Journey*, the last fragment found among his papers, (for the severe and masterly *Dedication to Warburton* was of earlier date,) there was a strange unconscious kind of sense of the fate that now impended. The lamentations of his good-natured friends, that but for his unhappy lust of publishing so fast, 'he might have 'flourish'd twenty years or more, though now, alas! poor man, '*worn out in four,*' were here noticed in some of his most vigor-

ous verse. He proposes to take their advice, but finds the restraint too hard. Prose *will* run into verse. 'If now and then 'I curse, my curses chime; nor can I pray, unless I pray in 'rhyme.' He therefore entreats that they will once more be charitable even to his excesses, and read, 'no easy task, *but probably the last that I shall ask*,' that little poem. He calls it the plain unlaboured Journey of a Day; warns off all who resort to him for the stronger stimulants; exhorts the Muses, in some of his happiest satire, to divert themselves with his contemporary poets in his absence; bids them so their appetite for laughter feed; and closes with the line, '*I on my Journey all alone proceed!*' The poem was not meant to close here; but a Greater Hand interposed. That line of mournful significance is the last that was written by Churchill.

A sudden desire to see Wilkes took him hastily to Boulogne on the 22d of October 1764. '*Dear Jack, adieu! C. C.*' was the laconic announcement of his departure to his brother. At Boulogne, on the 29th of October, a miliary fever seized him, and baffled the physicians who were called in. The friends who surrounded his bed gave way to extreme distress: it was a moment when probably Wilkes *felt*: but Churchill preserved his composure. He was described afterwards, checking their agitated grief, in the lines with which he had calmly looked forward to this eventful time:

> 'Let no unworthy sounds of grief be heard,
> No loud laments, not one unseemly word;
> Let sober triumphs wait upon my bier,
> I won't forgive that friend who sheds one tear.
> Whether he's ravish'd in life's early morn,
> Or in old age drops like an ear of corn,
> Full ripe he falls, on nature's noblest plan,
> Who lives to reason, and who dies a man.'

He sat up in his bed and dictated a brief, just will. He left his wife an annuity of £60, and an annuity of £50 to the girl he had seduced. He provided for his two boys. He left mourning rings to Lord and Lady Temple; to Wilkes, Lloyd, Cotes, Walsh, and the Duke of Grafton; and he desired his 'dear 'friend, John Wilkes, to collect and publish his works, with the 'remarks and explanations he has prepared, and any others he 'thinks proper to make.' He then expressed a wish to be removed, that he might die in England; and the imprudent measures of his friends, in compliance with this wish, hastened the crisis. On the 4th of November 1764, at Boulogne, and in the thirty-third year of his age, Charles Churchill breathed his last.

Warburton said he had perished of a drunken debauch;—a

statement wholly untrue. Actor Davies said his last expression was, '*What a fool I have been!*'—a statement contradicted by the tenor of his will, and specially denied by Wilkes. Garrick, who was in Paris, wrote to Colman when their common friend had been six days dead: 'Churchill, I hear, is at the point of 'death at Boulogne. I am sorry, very sorry, for him. Such 'talents, with prudence, had commanded the nation. I have seen 'some extracts I don't admire.' What is not to be admired in a satirist, is generally discovered just before or just after his death; what is admired, runs equal danger of unseasonable worship. There was a sale of his books and furniture, at which the most extravagant prices were given for articles of no value. A common steel-pen brought five pounds, and a pair of plated spurs sixteen guineas. The better to supply, too, the demands of public curiosity, vulgar letters were forged in his name; one of which was a few years since reproduced for his in the *Colman Correspondence*. A death-bed scene by the same busy scribe (in which the dying man was made to rave of his poor bleeding country, and of her true friend Mr Pitt, and of Scotsmen preying upon her vitals, and of dying the death of the righteous) was also served up to edify the public, and satisfy their enquiring interest. 'Churchill the poet is dead,' wrote Walpole to Mann on the 15th November. 'The meteor blazed scarce four years. He 'is dead, to the great joy of the Ministry and the Scotch, and 'to the grief of very few indeed, I believe; for such a friend is 'not only a dangerous but a ticklish possession.'

There were friends who had not found him so. Lloyd was sitting down to dinner when the intelligence was brought to him. He was seized with a sudden sickness, and thrust away his plate untouched. 'I shall follow poor Charles,' was all he said, as he went to the bed from which he never rose again. Churchill's favourite sister, Patty, said to have had no small share of his spirit, sense, and genius, and who was at this time betrothed to Lloyd, sank next under the double blow, and, in a few short weeks, joined her brother and her lover. The poet had asked that none should mourn for him, and here were two broken hearts offered up at his grave! Other silent and bitter sorrows were also there.

Wilkes professed unassuageable grief, and sacred intentions to fulfil the duty assigned him in the will. 'I will do it to the best 'of my poor abilities. My life shall be dedicated to it.' 'I am 'better,' he exclaimed, a fortnight after the death, 'but cannot 'get any continued sleep. The idea of Churchill is ever before 'my eyes.' 'Still I do not sleep,' he wrote some weeks later; 'Churchill is still before my eyes.' Other expressions of his

various letters run after the same fond fashion. 'I believe I 'shall never get quite over the late cruel blow.' 'Many a sigh 'and tear escape me for the death of dear Churchill.' 'You 'see how much I have at heart to show the world how I loved 'Churchill.' 'I am adequate to every affliction but the death of 'Churchill.' 'The loss of Churchill I shall always reckon the 'most cruel of all afflictions I have suffered.' 'I will soon con-'vince mankind that I know how to value such superior genius 'and merit.' 'I have half-finished the projected edition of dear 'Churchill.' 'How pleased is the dear shade of our friend with 'all I have done.' In truth the dear shade could hardly be displeased, for all he had done was *nil*. He wrote a few paltry notes; and they came to nothing. But a year after the sad scene at Boulogne, the Abbé Winckelman gave him an antique sepulchral urn of alabaster, and he placed on it a Latin inscription to his friend's memory; which he was sufficiently pleased with to transfer to a Doric column in the grounds of his Isle of Wight cottage, erected of materials as fragile and perishable as his own patriotism. 'Carolo Churchill, amico jucundo, poetæ acri, civi 'optime de patriâ merito, P. Johannes Wilkes, 1765.' Horace has used the word *acer* in speaking of himself. Wilkes imperfectly understood its precise signification, or did not rightly understand the genius of his friend.

Meanwhile, in accordance with his own request, the body of Churchill had been brought over from France, and buried in the old churchyard which once belonged to the collegiate church of St Martin at Dover. There is now a tablet to his memory in the church, and, over the place of burial, a stone inscribed with his name and age, the date of his death, and a line taken from that most manly and unaffected passage of his poetry, in which, without sorrow or complaining, he anticipates this humble grave.

'Let all (nor shall resentment flush my cheek)
Who know me well, what they know, freely speak;
So those (the greatest curse I meet below)
Who know me not, may not pretend to know.
Let none of those, who, bless'd with parts above
My feeble genius, still I dare to love,
Doing more mischief than a thousand foes,
Posthumous nonsense to the world expose,
And call it mine: for mine, though never known,
Or which, if mine, I living blush'd to own.
Know all the world, no greedy heir shall find,
Die when I will, one couplet left behind.
Let none of those whom I despise, though great,
Pretending friendship to give malice weight,

> Publish my life. Let no false sneaking Peer
> (Some such there are), to win the public ear,
> Hand me to shame, with some vile anecdote,
> Nor soul-gall'd Bishop damn me with a note.
> Let one poor sprig of bay around my head
> Bloom whilst I live, and point me out when dead:
> Let it (may Heaven, indulgent, grant that prayer!)
> Be planted on my grave, nor wither there:
> And when, on travel bound, some rhyming guest
> Roams through the churchyard whilst his dinner's drest,
> Let it hold up this comment to his eyes,
> Life to the last enjoy'd, Here Churchill lies:
> Whilst (oh what joy that pleasing flattery gives!)
> Reading my works, he cries, Here Churchill lives.'

On 'travel bound,' a 'rhyming guest' stood at the grave in the Dover churchyard, fifty years after this pathetic aspiration. He, too, had lived in defiance of the world's opinions; had written the most masterly satires; had achieved a popularity unattained by any English poet since the grave at which he stood received its inhabitant; like him, was now leaving his native country in early manhood, to be brought back dead: and the moral to which he shaped his thoughts, was on 'the Glory 'and the Nothing of a Name.' But a Name is *not* an illusion, when it has been won by any strenuous exertion either of thought or action in an honest purpose. Time's purgatorial fire may weaken the strength of the characters it is written in, but it eats out of them also their mistakes and vices; and BYRON might have had greater hope for the living, and less pity for the dead, at the grave of CHARLES CHURCHILL.

ART. III.—1. *Chemie für Landwirthe.* (*Chemistry for Farmers.*) By Dr CARL SPRENGEL. 2 vols. 8vo. Gottingen: 1831.

2. *Die Bodenkunde,* oder *Die Lehre vom Boden.* (*A Treatise on Soils.*) By Dr CARL SPRENGEL. 8vo. Leipzig: 1837.

3. *Die Lehre vom Dünger.* (*A Treatise on Manures.*) By Dr CARL SPRENGEL. 8vo. Leipzig: 1839.

4. *Remarks on Thorough Draining and Deep Ploughing.* By James Smith, Esq. of Deanston Works. (A Pamphlet.) Fourth Edition. Stirling: 1838.

5. *Organic Chemistry applied to Agriculture and Physiology.* By Dr JUSTUS LIEBIG. *Translated from the German by* LYON PLAYFAIR, Ph. D. Third Edition. 8vo. London: 1844.

6. *Lectures on Agricultural Chemistry and Geology.* By JAMES F. W. JOHNSTON, F.R.S. 8vo. London: 1844.

7. *Elements of Agricultural Chemistry and Geology.* By JAMES F. W. JOHNSTON, F.R.S. 12mo. Fourth Edition. London and Edinburgh: 1844.

8. *Catechism of Agricultural Chemistry and Geology.* By JAMES F. W. JOHNSTON, F.R.S. (A Pamphlet.) Eighth Edition. Edinburgh and London: 1844.

9. *Essai de Statique Chimique des Etres Organisés.* Par MM. DUMAS et BOUSSINGAULT. 8vo. Troisième Edition. Paris: 1844.

10. *Economie Rurale.* Par M. J. B. BOUSSINGAULT. 2 tomes 8vo. Paris: 1844.

11. *Proeve eener Algemeene Physiologische Scheikunde.* Door G. J. MULDER. Hooglerar, te Utrecht. Rotterdam: 1844.

12. *The Chemistry of Vegetable and Animal Physiology.* By PROFESSOR MULDER of Utrecht. *Translated from the Dutch by* Dr FROMBERG. Part I. London: 1844.

'IN my estimation,' says a recent German writer, 'the Agri-'cultural Periodicals of England and Scotland, especially 'the latest of them, are of high interest in Germany; not so

'much in presenting a pattern that we should altogether imitate, 'as in exhibiting the successive steps taken by the government, 'and by private individuals, in those countries, with the view of 'sustaining their enormous population.'

If it be a difficult task for British Agriculture to fill with wholesome food the mouths of the present population of the island—how will it be able to fulfil this destination sixty years hence, when, at the present rate of increase, the population will be doubled? Before the sons of the present generation become old men, Great Britain alone may contain forty millions of people. How is all this increase to be fed from the produce of the same extent of land? Can this land as a whole, really be made to bear the double of its present crops? If it can, as many think it may, what steps ought to be adopted with the view of promoting—of hastening forward rather—this increased state of productiveness?

Other countries may look forward with less apprehension to such a contingent increase of their inhabitants. We speak not of Norway, Sweden, Russia, Poland, or of the North of Europe, generally, where wide tracts of land are waiting untenanted for new accessions of people; but of those other districts towards the South, where the wants of the population already border on the supposed limits of the productive powers of the soil on which they live. Happen what may, these countries can never be in the condition to which Great Britain seems destined to come. The overflowings of one of these countries will press onward into some other, in which there is space to receive them. The German craftsman is early accustomed to a peripatetic life; and it is little to him, whether, at the close of his wanderings, he settle down on the Rhine, the Danube, or the Vistula. So the too frequent swarms of the French provinces may hive, as of old, beyond the Alps or the Rhine. In either country, the individual who is cramped at home, whatever his station or resources, may more or less easily escape into less peopled districts. The feeble barriers of the Douane or of the Polizei cannot confine the natural expansion of a whole people.

But it is otherwise in Britain. That insular position to which we owe so much of our freedom from foreign aggression, and which is a main source of our national safety and greatness, hems in and confines the people. The poor man cannot take up his staff and trudge across wide seas, in search of another home. The needy Highlander may, with his family, beg his way from John-o'-Groat's to the Lizard, but further he cannot go. Without money he cannot reach a new country.

And if he possess a little money, his spirit of enterprise is damped by the consideration, that should he prove unfortunate, he cannot, without money, return to his own country, but must die in a land of strangers.

Thus, whatever aid emigration, either individual or national, may lend in partially retarding the increase of our population, it is clear that it must very rapidly augment—that the additional people must for the most part stay at home—and that the soil will, year by year, (unless some severe dispensation of Providence intervene,) be called upon to provide food for an augmented number of inhabitants.

What, then, is doing, and what may yet be done, with the view of increasing the actual produce of the land?

The natural progress of agricultural improvement is, in its main steps, easily traced. It is determined partly by the nature of the soil, and in part by the density of the population. At first the people are few—land therefore abundant, instruments rude, live stock thinly scattered, and manure little cared for or collected. Only where the land is dry, or of lighter quality, and easily stirred, is the natural herbage broken up. Corn is there sown, and crop after crop is taken, till the produce dwindles down to three or four seeds, when the soil is for the time abandoned, and new land broken up, to be subjected to a similar exhausting tillage. Such has been more or less the case in our time with all the older states of the American union; such was formerly the case in many parts of Scotland; and such is still the case on the plains of Russia and Poland. In this stage of agriculture, manure is almost unthought of, except as a nuisance which unavoidably accumulates, and calls for labour to remove it. On the shores of the Wolga, and its tributary streams, winter aids the farmer in removing his dung-heaps. They are carted on to the ice when the rivers are frozen, and the thaw sweeps them down towards the Caspian sea.

But as land becomes less comparatively abundant, corn must be raised more frequently from the same spot, and one or other of the simplest forms of rotation will be introduced. The farm is divided into three portions—one in perpetual grass, on which the live stock graze in summer, and which yields hay for their winter's food—the other two in arable culture. From the latter, in the colder countries, as was till lately the case in Sweden, a crop is taken in each alternate year. The value of manure is now, in some measure, understood, and the droppings of the cattle are collected and bestowed upon the land. We do not indeed insist upon this yearly alternating corn and naked fallow—though a rude form of husbandry found in countries where agriculture is still

young—as necessarily and immediately succeeding to the system of perennial and exhausting crops of corn. It may be too sudden a transition, to pass at once from many successive crops, and many years of fallow, to a single season of each; but it must, we think, be considered as a stage through which an advancing people will pass. It cannot be the result of a high refinement in agriculture, since such refinement accompanies only an increase of population; which is generally followed by a diminution of naked fallows—which cannot, in fact, afford that the land should lie idle every other year.

Where a diversity of soils prevails, as is so much the case in this island, those parts are first selected for arable culture which, not being blown or naked sands, are naturally the driest,—are worked at the least cost of time and labour, and give the most sure return. Thus certain districts—certain whole counties—the surface of some entire geological formations—have been ploughed and sown from time immemorial; while others have lain as long in permanent pasture. Hence it is, that on some of the stiffest clay lands of England, the richest old grasses exist. Hence, also, in counties abounding in clayey soils, the oldest villages are usually found upon the lighter land, or on the hills or ridges of sand and gravel which here and there cover or pierce through the clay. Such a case presents itself in the eastern half of the county of Durham, in which every old village or parish church—almost without exception—between the Wear and the Tees, is situated on such rounded hills or banks, or flats of sand and limestone gravel; on which tillage is easy, the natural drainage good, and the rains of a humid climate of less hurtful influence.

Such lighter land being all in occupation, the next step the farmer is induced to take, as the demand for corn increases, is further to diminish his naked fallows—to adopt, for example, the ancient three-course shift (two crops between each naked fallow) which to the present day characterizes a very large portion of the North European agriculture. Naked fallows could not yet be abolished, even on soils from which weeds could be readily extirpated. Where manuring is little understood or cared for, they must still prevail. If we do not renovate the land by adding to it some equivalent for what we take off, we must, for a time, leave our fields to themselves, to renovate their exhausted powers as they may.

But to this state of things succeeds the alternate husbandry. Instead of naked fallows, green crops—called hence fallow crops—are grown on the land, which otherwise would have been idle. To eat these green crops, cattle are kept in greater numbers,

More manure is thus produced. When laid on the land, this manure causes more corn to grow on the same extent of surface, so that a larger measure of grain is carried to market by the farmer than before; while the green crops, or rather the beef and mutton into which they have been converted, form a clear gain of food to the country, and of profit to the husbandman.

Still other benefits follow this change. Armed with this new supply of manure—a new engine, as it were, placed at her command—improvement turns now to the uncultivated lands. Light sands, and dry heaths and commons, which refused to grow corn crops alone, are brought, by means of alternate green crops, and eating off with sheep, or other forms of copious manuring, to yield continuous and profitable returns. Thus wide wastes, like those which formerly covered Norfolk and Lincolnshire, are converted into productive domains—rich in sheep and corn, honourable to the improvers, and of great value to the state.

And now the dry land of easy tillage, and at moderate elevations, being pretty generally worked up, improvement again takes a new direction. Emboldened by past success to expend her labour and capital more freely, she discovers that the levels of lakes may be lowered, and good land around their margins thus cheaply bought; that bogs may be drained and wet lands laid comparatively dry, by making open or covered ditches (drains) wherever springs arise, and thus diverting their waters into fixed channels. These first steps in drainage add largely to the available surface of countries in which, as in ours, much rain falls. In Britain they have already done a considerable part of their work—though vast tracts of bog are still ready, both in Britain and in Ireland, to reward the industrious improver. In Sweden and Norway they are at present promising to add nearly an entire third to the best land of the Scandinavian peninsula.

Meanwhile, other important advances are making. Green crops yield much manure, but they also require much. It is discovered by some that the higher the farming—the more liberal the supply of manure—the greater the profit. Hence the manure of the towns comes to be eagerly sought for, and the produce of the neighbouring lands is largely increased. But the farmer who lives remote from towns cannot avail himself of these supplies. For him, therefore, lighter, drier, and more concentrated manures are in request. And thus arises a new and enlivening demand,—that for bones, rape-dust, and other portable manures—or hand tillages, as the Yorkshire farmers call them—experience having previously shown that such substances were really capable of augmenting the produce of the soil.

Thus the country farmer and the town farmer are again placed

nearly upon a level. It is in the power of both to farm high, and—if they have enterprise enough—yearly to bring new land into tillage by the aid of manures respectively within their reach. But a further great benefit follows the introduction of these easily transported and highly fertilizing substances. Moors, and wolds, and commons, and the hilly parts of farms, to which, on account of the expense, it had hitherto been impossible to cart up and apply heavy farm-yard manure, even could it be got, were now in effect lowered in elevation by the diminished bulk and weight of the manure to be carried to them. One cart of bone-dust was found to raise more turnips than twenty of farm-yard dung; and the corn crops which followed gave equal returns. Thus the green corn now waves on the hill-tops of Wooler and the highlands of Lincolnshire; and the Yorkshire wolds have been added to the permanent tillage lands of the kingdom.

But each succeeding step becomes more difficult and costly than that which went before—as in astronomy and chemistry, it requires longer preparation and higher talent to achieve distinction now, than when Newton and Lavoisier laid the first secure foundation for either science. It is upon the lighter lands—the sandy, the loamy, the peaty soils—that the main expenditure of skill has hitherto taken place. The heaviest clay lands have still lain in grass, and those of a less stubborn character have still rested their accustomed time in naked fallow. From the time of the Romans to our own day, the same rotation of wheat, beans, fallow, has prevailed on some of the best and most *capable* clay soils in the island. Here and there, it is true, a rare instance is recorded in the agricultural history of our midland and southern counties, of a thorough drainage being successfully attempted. The idea of thoroughly draining such lands, with the view at once of increasing their produce, of rendering the harvests more sure, and of making the soil more easy to work—this idea does not appear to be new. In Norfolk, and Essex, and Surrey, and in many other counties, the system may have been long known; but it is not upon record that any great national benefit was in any of these counties derived from the practice. We can imagine many reasons why the knowledge of this mode of improvement should linger on isolated spots; and, though understood by men of clearer heads and stronger minds, should diffuse itself slowly among the mass of country squires and farmers. Formerly, as now, however, the expense may have been the main obstacle to the extension of the practice; and this obstacle would be the more formidable then, because less costly means of improvement were as yet far from being exhausted.

Without conceding that it is either a Scottish improvement —one of exclusively northern origin, or even as yet a characteristic of Scottish agriculture, since there are very many districts in Scotland into which the skilful drainer has yet scarcely found his way—we must, nevertheless, allow that in Scotland the *thorough*, or, as some improperly call it, the *furrow* draining of clay lands was first made a national question; and that to Mr Smith of Deanston, the agriculture of Great Britain and Ireland is mainly indebted for demonstrating its advantages, and for recommending it to the attention of the community at large. To the energy and perseverance, no less than to the intelligence and practical skill of Mr Smith, we owe the present widely diffused conviction, in regard to the utility and importance of this branch of agricultural improvement. It is not now denied indeed, that the first great stride which England has to make in the culture of her arable lands, is in the adaptation of her clay soils to the alternate husbandry, which an efficient system of drainage will enable her to effect. Into the colonies, too, the drain and the subsoil plough have made their way; and Jamaica, Barbadoes, and Demarara, are equally alive to the benefits which the use of them may confer on the staple productions of their now less fertile soils.

In saying that England has this great stride to take, we by no means wish to insinuate that Scotland has already done her duty to the clay and other wet soils she possesses. Whole tracts of country, apart from the high-roads, are still unacquainted with thorough draining; many of the older drains are put in too shallow, and without a sole to rest upon; and so little is still known, even in the zealous and intelligent agricultural districts of Ayrshire and Lanarkshire, of the true principles and purposes of thorough draining, that leading improvers are even now allowing themselves to be guided by men *who can see no advantage in sinking their drains beyond twenty inches in depth.*

Next in order to the drain succeeds the subsoil plough. The water being drawn off the land, it will bear to be deeper dug, or stirred or trenched. The crops which formerly were condemned to draw their sustenance from six or nine inches of soil, can now descend eighteen or twenty inches. A double store of food is thus unlocked; and he who opens up, and, by draining, renders wholesome, the surface of his fields to a double depth, does, in reality, add in effect to the available extent of his possessions. He makes them capable of yielding him larger returns, and for a longer period of years, without the risk of exhaustion.

The Draining era is also that of improved Agricultural Imple-

ments. The stiffness of the clay soils demands strong ploughs. The unavoidable heaviness of the draught prescribes lightness as an important requisite, while ease of management is a high recommendation where the ploughman is less skilful or intelligent. Thus the ingenuity of the mechanic is called forth, and instruments of various forms are constructed; with the view of fulfilling these several conditions in the way which is best adapted to the soil, and to the other local circumstances of the districts in which they are to be used. Thus open soils are found to be benefited by pressers; the stiff clays by clod-crushers; and by grubbers or extirpators to tear out the weeds. The high farmer indulges also in the luxury of drill-machines, of turnip-slicers, of straw-cutters, of thrashing mills, and of steaming apparatus; so that mechanical science, at this stage of its advancement, becomes as much the handmaid of agriculture as of any of the other arts of life.

But further wants are meanwhile beginning to be felt. The higher the farming, as we have said, the greater the quantity of manure which is required; and the more the high-farmed land in a country increases, the greater, in an equal ratio, will the demand for extraneous manures become. It is found that land, to be well farmed, must receive now and then some manure, in addition to that which it produces. The demand, especially for portable manures, increases—the supply not being exhaustless, does not keep pace with it—and thus they increase in price to the highest sum which the farmers who live nearest the seaports can afford to pay. Science is now consulted: her aid is craved to point out new sources of old manures—to manufacture new ones—to tell how the old are to be husbanded—what new economy can be introduced into the manuring of the soil—to unfold, in short, the principles on which a rational, economical, and profitable tillage of the soil ought to be founded. This is the last great step which an advancing and hard-pressed agricultural community takes,—slowly and almost unwillingly takes. Long accustomed to empirical rules, and guided by old methods, the husbandman is slow to admit that science can throw light upon *his* path;—that what he is pleased to stigmatize as *theory* can aid the *long experience* on which *his* practice rests. But once persuade him that the same scientific researches which have pointed their forward way to the other arts of life, are fitted to lead him on too—so persuade him, as to induce him to ask for the aid of science—and a new era has commenced in the tillage of the land. Such a new era is now, we hope, commencing among the agriculturists of Great Britain and Ireland.

We could have wished, in answer to our own question—What

is now doing to hasten forward that increased productiveness of which the soil is capable?—to have dwelt for a time on the progress now so extensively making with the drain and the subsoil plough, and on the great results we are entitled to expect from a still wider, and more skilful adoption of these fundamental instruments of improvement. But these points of enquiry are already, in some measure, understood. We shall turn, therefore, to the newer and higher branch of the subject—that on which imperfect information still widely prevails; in regard to which even fears and misgivings exist in the minds of some—the influence, namely, which science is fitted to exercise on the future improvement of the soil.

The questions—What has science hitherto done? What can it be expected yet to perform for the benefit of agriculture?—are at the present time of the greater moment; because the general mind is awakened, in an unprecedented degree, to the necessity of doing something to elevate the art of culture to a level with the other useful arts; and because the three great bodies who at once represent and guide the agriculture of the three kingdoms, are zealously striving which can do most, in their respective spheres, towards the attainment of this great object.

The Irish, the English, and the Scottish 'National Agricultural Societies,' are, as the circumstances of each country direct, following different main lines of improvement. Besides the bettering of the breeds of stock—which all encourage, perhaps, in too great a *proportionate* degree—the Irish Society is planting auxiliaries in the provinces—fixing centres, as it were, from which her future operations in each county may begin—is drawing attention to the drainage and improvement of bogs, and is diffusing among the peasant farmers of Ireland the elements of a better husbandry. The force of the English Society has hitherto been more especially expended, and certainly with great success, upon the mechanics of the art—on the improvement of the implements by which the stubborn clays of the country may be hereafter thoroughly subdued—and in collecting information as to what has already been done in different parts of England, with the view of discovering what she may herself most usefully endeavour to accomplish. This is consistent with English prudence, and full of future promise. The Highland Society, again, if not the parent, long at least the predecessor of both, having all her machinery perfect, and possessing full leisure to consider what both agriculture and the times require, if she does not quite lead, has not as yet lagged far behind the advance of knowledge. With limited means, she has

for many years shown an increasing desire to enlist the aid of science in the cause of agriculture. This desire, as her published premiums show, is now stronger than ever; and ere another year passes, will, we are sure, be still more decidedly manifested. It becomes a kind of national duty with us, therefore, briefly to point out the relations which the sciences, especially those of Chemistry and Geology, bear to the art of culture.

The progress of agricultural improvement, as we have seen, brings with it an increased demand for manures of easy transport. The supply gradually falls short of the demand, and their market value rises until they reach a kind of famine price; at which the corn they can be made to raise barely repays the cost of applying them. This high price, which at first appears to be an unmitigated evil, leads, however, to good in many ways. Perhaps the simplest and most intelligible way of treating our present subject will be, to follow in their order the successive effects or improvements to which this high price naturally gives rise.

In the first place, it causes all *known* manures to be eagerly sought for and collected. The home dealer is stimulated to search for them in every quarter, and each bone-mill employs its staff of humble collectors to perambulate the towns and villages. Foreign and larger dealers spring up in the seaports. Our east coast puts the whole seaboard of Europe under requisition—whole fleets of merchantmen from the west, skirt the Irish shores, or, crossing the Atlantic, bring their cargoes of bones from the United States; and even to Buenos Ayres and Monte Video, suggest a new article of export, in addition to the hides and tallow of their numberless cattle. Such is perhaps the earliest national advantage which springs from high prices and increased demand.

It is interesting enough to mark how agriculture and commerce thus mutually aid each other—how the wants of one country impart a new value even to the refuse substances of another, and afford a new employment to its idle population. But it is more interesting still to observe how such a traffic, commenced with a view to the benefit of our own farming interest, reacts upon the minds of the agricultural population in those distant countries—awakening them to new desires, and leading them to increased skill in the art by which they live. Bones, for example, they come to think, may be useful at home, if it is worth the while of English merchants to bring them from so great a distance. How are they to be used, they ask, where and when applied, to what crops, on what soils, and after what

preparation? Such questions call forth by degrees a vast amount of practical information, the diffusion of which has in Sweden already given rise to the complaint, that bones are not to be obtained by the home farmer, because of the high price offered by the exporters to England; and in the United States of America, to the reflection, that they are surely worth more for home consumption than the seven or eight dollars a ton which the English agents pay for them. How striking to see the awakening intelligence of a few thousand agriculturists in our own island, thus rousing a spirit of enquiry, and actually pushing forward the art of culture in the most remote parts of the world!

A second and no less important consequence of this high price of manure, is the saving to which it leads of such as were previously wasted. It is only the more skilful farmers who use these comparatively costly substances in any considerable quantity. The less skilful cannot afford to use them. Their land is not in proper condition, perhaps because it is undrained, or they apply them after a wrong method, or at a wrong season; so that if by way of experiment they are tempted to try them, they suffer an actual money loss, and they are long deterred from employing them again. Nevertheless, the absolute value of manures of every kind rises in the estimation of the farmer, as that of portable manures increases. He comes to see that every waste of manure is an actual loss of money; and when satisfied of this, the slowest begin to move, and the most wedded to old customs to think of deviating from the methods of their forefathers.

The instructed look with amazement when, on the borders of the Roman Campagna, they see whole hills of dung, the long accumulating refuse from the stables of the post-house, or when, on the breaking up of the winter's frost, they see the yearly collections from the farm-yards floated away on the ice of the Wolga, almost literally realizing the times of the Ægean stables. We never dream that any thing half so barbarous could by possibility happen among ourselves; and yet a visit to a hill-farm in Northumberland may show us the same winter accumulations emptied purposely on the side of a brook, that the waters may carry them off, or into some neighbouring hollow, where they are least in the way, and have been permitted to collect for entire generations. Such palpable waste is seldom seen, indeed, in the lower country, where intercourse is greater, and where knowledge and public opinion spread more widely, and exercise a more immediate influence; and yet the no less serious waste of the liquid from our farm-yards is still too widely prevalent, even in our better cultivated districts, and among our more improving and intelligent farmers. Within the last few weeks, we have

walked over the farms of the first practical farmer of the Tyne-side, and of the most celebrated breeder in Yorkshire, and yet, from the fold-yard of the one, the liquid was conducted by a drain into the nearest ditch; and from the cow-houses of the other, into a shallow open pond, where it stood reeking and fermenting beneath a blazing sun! What merit, as a farmer, can that man claim, who, though he annually lays five tons of guano, or bones, or rape-dust upon his farm, yet allows what is equal to ten or twenty tons of the same, to run to waste from his farm-yard in the form of liquid manure?

It is such waste as this that the high price of portable manure tends to check. It is now happily checking it here and there in various parts of the island; but it will be long before the evil is remedied over the general face of the country.

But after he has done every thing in the way of saving what he had hitherto inadvertently neglected, the enquiring farmer still finds that his wants are not all supplied; that if he would farm high—raise, in other words, the largest possible produce from his land—he must still incur a considerable annual expense in the purchase of foreign manures. Can I not, he next asks himself—Can I not *husband* these manures which cost me so much? Is there no way in which I can more economically apply them, so as, from the same quantity of manure, to obtain a larger return of roots or corn? This enquiry leads him to three successive mechanical improvements, as they may be called, which are severally applicable to one or other of the crops he cultivates. *First*, To put his manure into the ground immediately before he sows his crop in spring or summer, rather than in the preceding autumn. This is a result of the same system of saving to which we have already adverted. By examining the waters which escape from the drains during winter—upon his thorough drained land—he finds that they actually carry with them a portion of the manure he had previously laid upon his fields in the autumn, and that thus he had unconsciously suffered a partial loss. To put it in, therefore, only when spring arrives, will ensure him a certain saving. *Second*, To deposit the manure in the drills when his seed is sown, putting it all thus within reach of the plant, and wasting none of it on the unprofitable or unproductive part of the soil. And *third*, with the drop-drill to bury it only beside the seeds it is intended to nourish, and thus more perfectly to effect what laying along the whole drill had only in part accomplished. These methods husband his manures, and, at the same time, call in the aid of the ingenious mechanic to furnish cheap and efficient implements, by which the several operations may be easily performed.

They may not be applicable to all his crops, and there are certain circumstances under which the intelligent practical man will wisely refrain from fully adopting any one of them; but they are valuable illustrations of rural *economy*, nevertheless, and of the line along which improvement will proceed, in endeavouring 'to raise the largest amount of produce, in the shortest time, at 'the smallest cost, and with the least permanent injury to the 'land.'*

But the same desire to husband his manures, leads him also to what may be called a chemical improvement in the form in which he applies them. 'If,' says he, 'as chemists tell me, the roots of the plant drink in only that which is in a liquid form, the manures which are already in a liquid state, or in such a condition, at least, that the rains will readily dissolve them, should be more immediately useful in the nourishment of my crops. If I apply dry bones to my turnips, they must take a considerable time to become soluble, and may not yield all their substance to the growing bulb before its period of maturity arrives; and though the residue of the bones left in the soil does benefit the after crop, still the rains of winter must wash away some of their constituents, and thus occasion to me a variable loss. Would not the same quantity of bones or rape dust, or even of guano, go further in the production of corn, or potatoes, or turnips, if I could apply all their constituents to 'my land in a fluid form?' Theory and experiment both answer these questions in the affirmative. Recent experiments, especially upon the action of bones dissolved in sulphuric acid, have thrown new light upon this subject; and though too hasty inferences have by some been drawn from them, and the benefits to be derived from the new method have been exaggerated, and unreasonable expectations have consequently been excited, yet such good may fairly be expected from the use of the liquid form of applying manures as will encourage, we hope, the continuance and extension of experimental enquiry.

Here, also, the mechanical contriver has been called in, and premiums have been offered and received for liquid-manure carts and other implements for the economical application of manures in the fluid form. We should appear to be behind the knowledge of the day upon this matter, were we not to allude to the method which Mr Smith and some of his friends have proposed for distributing liquid manures on a large scale, and over entire farms. He builds a tower 120 feet high; to the top of this

* Johnston's *Elements of Agricultural Chemistry and Geology.*

tower he pumps up his manures—he conducts them by pipes to the several fields of the farm, and, without shifting his position, he squirts a fertilizing shower over whole acres at once. We are unwilling hastily to condemn, and more unwilling to ridicule, any thing which Mr Smith proposes or supports; we shall wait patiently, therefore, for the result of the trial he is about to make of an actual tower upon a farm in Lancashire. If any practical measure can be devised for working up the waste liquids of our large towns, a great national good will certainly be effected.

Yet all these contrivances do not materially reduce the price of our known and available manures; because, as we have seen, in an improving country like ours the demand increases as rapidly as the supply. Other sources of supply are looked for, and substances, not hitherto known to possess fertilizing properties, are collected for the use of the farmer. The refuse of the sugar-boiler, of the glue manufacturer, of the miller, the maltster, the currier, the horn and knife-handle manufacturer, and even of the haircutter, are all collected and readily sold as manures; because they are shown by the Chemist to consist of the same animal and vegetable substances which, in other forms, are known greatly to benefit the land.

Special manufactories for the preparation of manures next spring up. The first object taken up in most countries by these manufactories, is to give a portable and less perishable and offensive form to the night soil and urine of the larger towns. Here Chemistry is more *directly* and obviously employed in the service of the farmer, and under the names of *poudrette*, animalized carbon, and *humus*, or of urate and sulphated urine, these substances are recommended to the practical man by the new race of dealers to which his wants have given rise. To meet the ignorance and quackery with which some of their number assail him, and to arm himself against imposition, the farmer must now acquire some scientific knowledge himself; or must have a ready means of access to scientific men, on whose skill and integrity he can rely.

Meantime observations of another kind accumulate, which gradually bring into use an entirely new class of substances as fertilizers of the land. From the most remote times, and in all countries, animal and vegetable substances have been principally employed as manures; and the farmers are comparatively few in number still, who will believe that their crops can be *fed* by any thing they can add to the soil which is not either of animal or of vegetable origin. But here and there solitary cases have always been observed, in which substances dug out of the soil, and obviously neither of animal nor of vegetable origin, have greatly

promoted the growth of our cultivated crops. In some places sea salt—in others wood ashes—in Italy and Egypt the natron, or soda, which encrusts the plains of the latter country—in India its native saltpetre—over whole states in Germany and North America, crushed gypsum or plaster—and every where, almost without exception, marl, and shell-sand, and lime, are known to impart new fertility to the soil, and renewed vigour to the growing crops. Such substances as these, however, were not regarded as manures—they were supposed merely to *stimulate* the plant to an extraordinary growth for the time, leaving the ground, like a drunkard after a debauch, proportionably weaker and less fertile for the future. Thus their use was checked, limited, and looked upon with suspicion. They appeared to fertilize, while in reality they robbed the land. They increased the present but diminished the future crops—they enriched the fathers, but impoverished the sons.

There were not wanting many indeed who opposed this view, and quoted cases in which these substances had been employed for a long series of years without producing such injurious effects; but still, agricultural feeling and opinion were against them, and they have as yet but partially prevailed. Even the introduction of nitrate of soda from Peru, at a comparatively cheap rate, and the publication of the remarkable effects it was seen to produce, have been unable to bring these mineral substances into general favour. Since the introduction of guano, nitrate of soda, as an application by itself, has been almost forgotten; and bones, rape cake, and guano, all of which are considered as true manures, are still the main dependence of those who cultivate their lands by the aid of portable manures.

This unwillingness to employ, or to rely, upon saline substances as manures, has been aided by another series of observations of great interest, and of important practical consequence—the true explanation of which is even now but little understood by practical men. The scientific investigation of them, however, has led to the discovery of the most beautiful physiological principles, and to the clearest demonstration of the value of chemical science to agricultural practice.

It was found, for example, that though in some countries, and upon some soils, the use of gypsum, saltpetre, common salt, and other similar substances, produced strikingly beneficial results, yet that upon other soils, and in other localities, they produced no sensible effect at all. How was this to be accounted for? If these substances merely acted as stimulants, why were they incapable of stimulating a poor and laggard crop in one soil as well as in another? The difference of their action in the several cir-

cumstances, must depend upon some difference in the soils themselves.

Then Chemistry was asked to analyse these soils—a work at first but unskilfully performed, and still very rarely completed with accuracy and care. This has arisen in part from the inherent difficulties of the process, and partly from the little remuneration of any kind, either for time or skill, which those most deeply interested in such enquiries have offered to the chemical investigator. So little, indeed, is still understood by practical men of the analytical—the highest branch of the chemical art—that the rigorous analysis of a soil is looked upon as the work of a few hours, or, at the utmost, of two or three days only; and the money or other value attached to the discovery of this or that ingredient, is judged of accordingly. In this line, the largest amount of work hitherto done has been performed by the German agricultural chemist, Sprengel, and is recorded in his work upon soils, of which we have, among other publications, prefixed the title to the present article. The accuracy of Sprengel has recently been impugned by Liebig, in that *fortiter in re* style he usually employs in reference to those with whom he happens to differ. But we are not inclined to go along with him in his sweeping condemnation of *all* Sprengel's analyses; and we cannot agree ungraciously to reject the entire labours of a long life—expended upon a branch to which no other equally skilful Chemist had, for nearly twenty years, thought proper to turn his attention.

Now, through the labours of Sprengel chiefly—not solely, for he had predecessors and contemporaries also, though less laborious, and less clear and decided in their opinions than himself—it has been established regarding soils—

1. That they all contain a certain proportion of organic, chiefly vegetable matter, which readily burns away when they are heated to redness in the air. This combustible matter in peaty soils sometimes amounts to 50 or 60 per cent of the whole weight; while in clay soils, such as the white undrained clays of Lanarkshire, less than one per cent is present.

2. That in all naturally fertile soils, the incombustible part contains a notable quantity of each of ten or eleven different mineral substances.

3. That soils in which one or more of these substances is either wholly wanting, or is not present in sufficient quantity, will not produce good crops.

4. That to these latter soils what is wanting may be artificially added, and that thus their fertility may be increased, restored, or maintained.

5. That some of these substances, when present in excess in the soil, become noxious to the plant; and that, to render such a soil productive, this excess must be, in some way or other, removed.

These five propositions comprehend nearly all that is of importance, in regard to the incombustible part of the soil. They are all fully and frequently stated in the works of Sprengel. They are illustrated and enforced in those of Liebig and Johnston. It would interfere with our present purpose to dwell upon the combustible or organic part of the soil.

But, with the aid of these propositions, the general doctrine of soils, and the action of saline or mineral manures, becomes so far clear and simple. A soil, to be fertile, must contain ten or eleven known substances. If any of these be altogether absent, you will improve your soil by adding them to it; if they are present, the addition of them will do no good. If salt or gypsum, for example, or the ingredients of wood ashes, be wholly absent, you will obtain large crops by adding these substances largely to the soil; if they are merely deficient, a smaller application will be of service; if they are already present in sufficient quantity, any application of them to the soil will be so much money thrown away. The substances hitherto called *stimulants*, now appear to be only necessary ingredients of a fertile soil. Their true relation to vegetable life, was only ascertained by a further advance on the road of discovery, to which we shall by and by advert.

But here other branches of science stepped in to aid—in some degree, to generalize—this important deduction of analytical chemistry, and to make it more widely useful. Geology has ascertained, that the several varieties of loose or drifted materials which cover the earth's surface, and form our soils, are only the *debris*, or weather-worn relics of the solid rocks; and that they are more or less related in composition to the rocks themselves, from which they are respectively derived. Further, with the aid of Chemistry and Mineralogy, it was known to geologists that the several beds or masses of rock which form the crust of the globe, consist either of different materials, or of the same materials in different proportions. The same must be the case therefore, to a certain extent, with the soils formed from them. Thus, a limestone soil would originally abound in lime—a dolomitic soil, in both lime and magnesia—a red marl, or red sandstone soil, in gypsum perhaps, or in common salt—a trap soil, in lime and oxide of iron; and a mica-slate, or granite soil, in potash and other alcaline matter.

Now a geological map exhibits, by its several colours, the several areas over which this or that rock extends. The general

character and composition, therefore, of the soils over those areas is known by a simple inspection of the map. And if one kind of treatment has been found profitable, or one kind of application favourable to the crops in one part of each of those areas, the probability becomes very strong that they will prove equally beneficial on other parts of the same areas, or in other countries where the same rocks and soils occur. The amount of really useful practical knowledge which this relation between the geological structure of a district, and the chemical constitution of its soils, puts within the reach of the intelligent agriculturist, is very great. The broad generalizations of which it is susceptible, or to which it points, must enter as an element into the most important political considerations.

Again, the Physical Geography of a district we know has much influence upon its climate, and therefore upon the fertility of its soils, and their capability of growing or ripening this or that crop. The broad plain, the deep valley, and the high mountain, all affect the agricultural capabilities of a tract of country, whatever the composition of its soils may be. But we do not at first sight see how, independently of their geological structure, such differences in Physical Geography should affect the actual chemical composition, and consequently modify the chemical and agricultural treatment of the soil. And yet they do so in many ways, some of which are striking enough. Thus a plain country receives over all its surface the equal influences of the rains and winds of heaven, and consequently is alike rendered fertile or alike injured over its whole extent by atmospheric agencies; but where high lands exist, the mountain tops attract the rains, and streams of water flow down the sides, washing the soils of the upper country, and carrying down their spoils to the more level spots, or to the bottoms of the valleys. An important chemical difference is thus produced among the soils of the district. The elements of fertility may abound in the land below, while comparative unproductiveness distinguishes the soil above. So one side of a hill exposed to the beating rain and long prevailing winds, will yield a different produce and in different quantities from that which is sheltered from the cold, and is watered by less frequent and warmer rains. Again, where the sea girdles an island-coast like ours, its hills and valleys affect the constitution of its soils more strikingly still. The wind sweeps across the North Sea, or it comes over the broad Atlantic. It frets and ruffles the waters as it passes along; it lifts the crests of the waves, and plays among their streaming hair; it bears along a briny spray, which it sprinkles widely over the land, moistening with a salt dew the fields and forests which

lie in its way. Let a ridge of hills interrupt its course, it deposits on the seaward slope a large proportion of its watery burden, and is turned upwards from the land in its further career. Thus the salt is spread in abundance over the face of the hills which look towards the sea, and along the plain which separates them from its shores—while the flats or valleys on the other side of the ridge are seldom reached by these bounteous visitings of nature.

And in what does this alleged bounty of nature consist, or in what way is it felt? A fertile soil contains, as we have seen, in its incombustible part a sensible proportion of ten or eleven different substances, which are necessary to its fertility. Of these substances sea water contains six or seven. Where it is constantly sprinkled over the land, therefore, it is constantly adding these to the soil. Thus it happens that those saline substances which the sea water contains—common salt, namely, and gypsum, and sulphate of magnesia—may prove of no use when sprinkled by the farmer upon lands which are more or less exposed to the sea breeze; while on the landward side of mountain ridges, and in sheltered flats and valleys, they may return many times the cost of their application, to the farmer who skilfully and with knowledge applies them.

The rains of heaven, as we have seen, wash the tops of the high hills, and carry the soluble parts of their soils to the bottoms. So the same rains more or less quickly wash all soils, and carry into the sea the riches of the land. But kind nature, on the wings of the wind, wafts back again a part at least of those substances which the rain had carried away; and thus, in spite even of the neglect or careless waste of unskilful husbandry, maintains the fertility of whole districts, of which the productiveness would otherwise gradually decrease. The agricultural value of an insular position becomes thus apparent. The rains wash out saline substances from the soil, but the winds from every quarter bring them back; and a green and luxuriant vegetation is kept up, where otherwise the ingredients of a fertile soil could only be brought together by the labour and industry of man. The fields of our sister isle owe something of their 'emerald green' to the winds and waters of the wide Atlantic.

To such practical results, far more numerous than our limits permit us even to notice, did, and still does, the chemical examination of soils lead the enquiring agriculturist. But at this stage of his enquiries, another striking feature presented itself, the study of which led to further and more satisfactory, because more advanced, conclusions. It was seen that, on the same soil, the application of the same substance—for the sake of simplicity, suppose it a saline substance—promoted the growth of one crop

and not of another. If clover and wheat, for example, grew on different parts of the same field, it was seen that gypsum or common salt would greatly increase the luxuriance of the one, while it caused little or no change in the appearance or produce of the other. Something, therefore, must depend upon the kind of plant which is grown upon it, as well as upon the chemical constitution of the soil itself. There must be some as yet unknown chemical relation between the crop to be grown, and the manure which could be beneficially applied to it. What was the nature of this relation? If discovered, might it not be brought to bear advantageously upon practice?

These new questions gave rise to new, refined, and tedious chemical investigations into the nature and composition of plants, and of their several parts. A new field was opened to the view, on which much labour has already been expended, from which much knowledge has been reaped, but by far the largest proportion of which is as yet wholly unexplored. We shall briefly glance at the points which may already be considered as in some degree established.

1. All plants, like all productive soils, consist of an organic or combustible, and an inorganic or incombustible, part. The difference, in this respect, between the plant and the soil is, that the latter contains only from three to ten parts, the former from ninety to ninety-eight parts of combustible matter.

2. That the incombustible part or ash of the plant contains a sensible quantity of from eight to eleven different substances—*these substances being the same exactly as are found in all fertile soils.*

3. That though these substances are all present in all our cultivated crops, yet that some of them are more abundant in some plants than in others—and in some parts of the same plant than in other parts. Thus in some vegetables, lime abounds; in others, magnesia; in others, potash, and so on; while in one part of a plant much silica, in another much bone earth may be uniformly present.

These points are not new. They were first put forward, but darkly, by Ruckert—were in some measure understood by De Saussure—were clearly brought out and enforced in the several German works of Sprengel; but were first presented in a captivating form to the British public in the work of Professor Liebig.

We do not specify here other less general and less intelligible results. From those which have been stated, much light is thrown upon practical points which were previously unintelligible. Thus, it no longer appears singular that all fertile soils should contain ten or eleven incombustible substances. These substances are constituent parts of all plants, without which

they cannot exist or grow in a healthy manner; and the soils are fertile only because they are in a condition to give to the growing plant every thing it requires for the building up of its several parts. Again, a soil in which some of these materials are wanting or defective, is barren or poorly productive, because it cannot supply all the wants of the plant, or cannot do so with sufficient rapidity. The plant may be likened to the bricklayer, and the soil to the labourer—without both mortar and bricks the wall cannot ascend; and unless they are supplied with sufficient quickness, the progress of the work will be necessarily retarded.

So it was explained also why a soil from which none of those substances was wholly absent would grow a plant A, while it refused to grow a plant B. Those different plants might demand lime, or magnesia, or potash, or phosphoric acid, in different proportions. A crop A, which required much potash to bring it to perfection, would not flourish in a soil because it abounded in lime; while a crop B, which demanded much lime, or phosphoric acid, would grow feebly and with slowness where these were scarce, however much soda or potash the soil might contain.

Thus it appeared further why in natural forests successive races of trees, broad and narrow leaved, succeed each other—why on the old pastures and prairies the grasses of one age die out, as races and families of men do, to be replaced for a time by other species of herbage—and why, in practical husbandry, a rotation of crops is most conducive both to the profit of the farmer, and to the permanent fertility of the land. Of those things of which one crop contains and requires much, another crop contains and therefore requires less. Thus, if we alternate the kind of plants we raise, we shall exhaust the whole soil equably; but continue one kind of crop too long, and the land becomes *sick* of it—that is, it cannot supply with sufficient rapidity or abundance those substances which this crop especially requires.

And now the true action of those saline substances, hitherto called *stimulants*, became more clearly manifest. They no longer appeared to act like wine upon the human body, exciting it to an abnormal or unnatural effort, which was afterwards necessarily succeeded by languor, feebleness, and depression. They were acknowledged really to feed the plant; since they supplied those things out of which its several parts were built up, and without which they could not be satisfactorily completed. And if the soil was less productive in after years, in consequence of the application of these substances, it was because the crop had extracted from the soil more than the manure had given to it. The so-called stimulant supplied potash, or soda, or lime only to the soil, and, getting these readily, the plant grew rapidly; but it gathered

out of the soil, at the same time, magnesia, and sulphur, and phosphorus, without which it could not grow. The large crops which were carried off exhausted the soil, therefore, of these latter substances; and unless these were added again in some form or other, the soil must remain impoverished, and more or less unproductive. If the builder have abundance of stone or bricks, and we give him mortar in addition, his walls and houses will rise rapidly; but the faster they rise, the sooner will his bricks be exhausted; and when this happens, we shall look in vain for an advance in his work, if we continue to supply him with mortar only. Give him a new supply of bricks, however, and he will start afresh. So it is with the soil. The so-called stimulants excite the plants after the same manner as the mortar excites the builder—leave behind a languor or exhaustion of a similar description, to be removed, also, after a similar manner.

Further, it appears that plants must of necessity obtain these saline substances if we desire them to grow; that we must therefore add them to the soil, unless nature kindly interposes in our behalf, and, by some of her happy contrivances, repairs the constant exhaustion. We must also add those particular substances in which our soils are specially deficient—which the crop we wish to raise specially requires to bring it to perfection—or of which the liquid manure we have so long allowed to run to waste, has especially robbed the land.

And here Geology again comes in, at once receiving and giving light in reference to this important branch of agricultural investigation. We have already seen how the geological map tells us of the general characters and composition of soils over large areas—when they rest upon or are derived from rocks of the same kind, or of the same age. This information it gives us, because of certain chemical analyses previously made of the soils and rocks of the different geological formations. But Botanists had often remarked, that besides the marked influence of climate on the growth and dispersion of the vegetable races, the investigation of which had given rise to interesting treatises on the *Geographical distribution of plants*, other circumstances also materially affected their choice of a site, or place of growth. It was seen that the *habitat* of a plant depended upon the general character of the soil, as well as upon the general nature of the climate. Whole geological formations were characterized by the luxuriant growth of certain races of plants; while, even in climates known to be favourable to them, other races of plants refused to flourish on the soils by which these formations were covered. Hence arose the enquiry as to the *Geological distribution of plants*. But the reason of this peculiar distribution became apparent, when it was

shown, on the one hand, that each race or order of plants had special wants which the soil alone could supply; and, on the other, that each geological formation was covered with a soil more or less special in composition, which could supply one or more of the substances required by plants in larger quantity than it could supply the rest. Hence the seeds of plants, wafted every where by the wind, take root, and grow up most luxuriantly where the special wants of each are most easily and fully supplied; and each geological formation at once favours, and is favoured by, its own tribes of plants. Thus the plants become to the Agriculturist an index both of the general character and of the chemical constitution of the soil; and to the Geologist, of the kind of rock from which the soils are derived, and upon which they probably rest; while the Botanist is taught where his wild plants are most likely to be found, and where this or that natural family will be unwilling to grow.

We pass over other applications of Geology; but there remains still one important consequence deduced from the analysis of plants, to which a brief attention must be given. Saline substances are necessary to plants. They exist in all their healthy parts. But it had been observed, in practice, that where one substance—such as gypsum, or common salt, or nitrate of soda—when applied alone, failed to produce a good effect upon the crop, a mixture of two or more would remarkably promote its growth. Such facts as these were explained at once, when it became known that the plant required the constituents of all these substances to build up its several parts; and that, if the soil were defective in several of them, you could not hope to render it productive by the addition of only one. But add, in the form of a mixture, a portion of each of those substances of which it could not readily yield a full supply to the growing plant, and the fertility of the soil would be renewed or restored.

These artificial mixtures are safer and surer, as they are nearer also in composition, to those natural mixtures of the farm-yard and to other common manures, so long, so highly, and so deservedly esteemed among practical men. Artificial mixtures, besides, can be especially adapted both to the wants of the soil, as ascertained by direct analysis, and to the special wants of the several crops we wish to raise. Whatever substances the crop A, B, or C, is known to require, these can be mixed together, so as to make them severally grow in any soil; or they can be adapted to the known constitution of a given soil, so as to promote especially the growth of A or B on that kind of soil only.

This doctrine of mixtures has called new arts into existence, and established new manufactories. Indeed, manures of all kinds, with pretensions of every character, are offered to the

uninstructed farmers, by men whose sole object often is the accumulation of money by the establishment of a lucrative trade. This is an evil which can scarcely be avoided in the progress of knowledge. Those who know a little, impose, though not always intentionally, upon those who know less. The sure remedy for such evils will arise of itself, from the more general diffusion of a higher knowledge. In the mean time, those who are likely to suffer—the practical men—should provide themselves with, or should secure access to an authority on whom they can rely, till another generation springs up which may more safely rely upon itself.

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Thus far it appears that out of the study of manures there have sprung up long trains of chemical research—throwing light upon old practices—pointing out improvements—suggesting new methods more certain, more economical, or more productive—and giving to the art of culture something of a secure and scientific foundation.

But all these researches could not be carried on without giving rise to speculations, more or less crude, in regard to the food of plants in general, and to those various points in vegetable physiology which are so closely connected with the nature and influence of the principle of life; and with the conditions under which life begins or can continue to manifest itself.

Among these speculators the boldest and most fanciful are Liebig and Dumas. Their works, the titles of which are placed at the head of this article, have had a wide circulation in this and other countries. Between these two writers there are certain points in dispute, both as to fact and as to priority of publication, with which it is not our intention at present to interfere. We shall advert only to one of Liebig's more important speculations, which, though really unsound, has been adopted by many in deference to his opinion, and is likely, in various ways, to exercise a hurtful influence both upon the progress and upon the practice of scientific agriculture.

Plants, as we have seen, consist of two parts, a combustible and an incombustible part. The latter is derived wholly from the soil; and though it is comparatively small in quantity, we have already shown how important it is to the growth and productiveness of the plant. The combustible or organic part forms from ninety to ninety-eight parts of the whole weight of our hay, corn, and root crops. Whence is this organic part of plants derived? We know only two sources from which it can be obtained by the plant—from the soil or from the air—from the one by its roots, from the other by its leaves and young stems. But to which of these sources is the plant most indebted?

The organic part of plants consists of four elementary substances, as chemists call them—carbon, hydrogen, oxygen, and nitrogen. Water is composed of two of these—hydrogen and oxygen. This water enters into plants both by their roots and by their leaves, is capable of being decomposed in their interior, and thus may alone be supposed, under favourable conditions, to yield an ample supply of hydrogen and of oxygen to the growing plant. But whence do plants derive their carbon and nitrogen, and in what form do these elements enter into the vegetable circulation?

It is generally agreed that plants drink in from the air, through their leaves, a variable proportion of their carbon, in the form of carbonic acid *—the rest they extract from the soil by their roots. But in what form does the latter portion enter into the roots?

Again, it is believed that the nitrogen of the atmosphere does not enter *directly*, or in its gaseous form, into the circulation of plants in general, either by their roots or by their leaves. But this gas is necessary to their existence. In what form of combination, then, does it enter into plants, and is it by their leaves or by their roots that in this form it chiefly gains admission? On these two points Liebig maintains—

1. That the carbon of plants enters into their circulation *only* in the form of carbonic acid; that the leaves inhale it from the air, and the roots from the soil; and that (neglecting the nitrogen it contains) the chief use of the vegetable matter of the soil is to yield this carbonic acid to the roots.

2. That the nitrogen enters plants only in the form of ammonia;† that this ammonia exists in the atmosphere, and is partly extracted from it by the leaves, and partly washed down by the rains which convey it to the roots.

According to these hypotheses, carbonic acid and ammonia form the sole organic food of plants; and we have only to present these compounds in sufficient abundance, along with the inorganic substances which they also require, to make plants grow, at our will, with greater or with less rapidity and luxuriance. This theory is simple, is easily intelligible, and has been widely

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* *Carbonic acid* is the kind of air that escapes from champagne and soda water, when it effervesces. It consists of carbon and oxygen. Atmospheric air is a mixture of oxygen and nitrogen gases, with about one two-thousand-five-hundredth of its bulk of this carbonic acid.

† [illegible] consists of nitrogen and hydrogen, and when it enters by [illegible] may yield both of these elements to the growing plant.

assented to by certain classes of readers. We almost regret that it is not universally true.

To establish his first proposition, Liebig enters into an elaborate argument to show that certain insoluble compounds of the humic and ulmic acids, which are known to exist in the vegetable matter of the soil, cannot enter in such quantity into the roots of plants as materially to augment their substance, or to aid their growth. All that he says on this point may be true, and yet the conclusion to which he jumps is certainly not warranted by his premises. There are soluble compounds of these acids which are formed in the soil, and soluble compounds of other kinds which contain carbon, which may, and we believe do, enter into the roots of plants, and which minister in a variable degree to their substance and their growth. We do not hold, therefore, that plants derive their carbon wholly from carbonic acid, or that the organic matter of the soil yields carbon to their roots in no other form. It is more consistent with experience and with all the scientific evidence we possess upon the subject, that we may, and can, aid the growth of our crops, by putting within the reach of their roots other organic compounds also, of which carbon forms a part.

Again, the main, we might say almost the sole, support of the second proposition, in regard to the source of the nitrogen of plants, rests on the fact, that ammonia exists in minute quantity in the atmosphere. This fact we grant, and we grant also, that it is often brought down in minute quantities in rain water. But we believe also that it exists, and is formed, in the soil, and that one of the functions of the vegetable matter of the soil is to aid in this formation, at the expense of the nitrogen of the atmosphere. We agree that this ammonia enters into plants, and ministers to their growth; but we think, in opposition to Liebig, that the largest proportion of this compound which plants do assimilate, is derived, not from a magazine of it existing in the air, but from stores of it produced in the soil—*which production of it in the soil the skilful husbandman can promote by skilful management of his land.* In addition to what is contained in Mr Johnston's *Lectures* upon this subject, our readers will turn with profit to Mulder's work;—a work which is, in our opinion, the soundest and safest gift that Chemistry has yet presented to general Physiology. Only part of it is yet before the public, even in the original Dutch. When it comes into our hands in a complete form, we shall be better able to draw the attention of our readers to the novel researches, the profound reasonings, and the beautiful results it contains.

But further, there are almost countless compounds containing

nitrogen, which are capable of being dissolved by water. Some of these descend from the air with the falling rain, some exist in the waters of our springs, some in the manures we add to the land, and some are formed during the decay of the vegetable matter in the soil. These enter into the roots, and no doubt supply a variable proportion both of carbon and nitrogen to the growing plant. And lastly, over the whole surface of the globe, wherever animal and vegetable substances are undergoing slow decomposition, there is a constant tendency to the production of nitric acid;* and in the air, whenever the lightning flashes, it is formed in minute quantity from the elements of the air itself. We cannot tell how much of this acid is continually produced in nature, but it must be very great, and it may safely, we think, be regarded, in the general vegetation of the globe, as one of the main forms of combination in which nitrogen enters into the circulation of living plants.

These views in regard to the organic food of plants, are not so simple as those of Liebig; but they are truer to nature, and far more likely to guide the practical man to a wise and profitable culture of his land. If our readers wish so to study this question, as to understand fully the force of the points we have put forward, we recommend them, upon the subject of carbon, to the works of Mulder and Johnston; and, in addition to these, upon the subject of nitrogen, to the publications also of Boussingault and Dumas.

To all the researches and speculations to which we have hitherto alluded, as well as to others which we have no space to notice, the study of Manures has either directly or indirectly led. But manures are of chief importance—indeed derive their main interest and value—from their connexion with *arable* culture; and all the above researches may be considered to have reference, almost exclusively, to the improvement of this branch of practical agriculture. But there is another branch of little less importance, in which the quality or constitution, and the economical use and value, of the produce of the soil, are subjects of interest and of constant enquiry.

Corn and potatoes are direct food for man. Turnips and green herbage are only indirectly convertible to his use. The manufacture of these into such food as he can consume—into beef, mutton, and pork, or into milk, butter, and cheese—gives rise to

* Nitric acid (aqua fortis) consists of nitrogen and oxygen. It exists in nitrate of soda and in saltpetre.

important branches of rural economy, to which much rural industry is devoted, and a great breadth of land. In these branches, it is as important to convert the raw vegetable material—the turnips and herbage—into the largest quantity of the manufactured article, beef or cheese, as it is, in arable culture, to raise the largest possible amount of grain with the smallest quantity of manure, and with the least injury to the land. Hence arise many questions as vitally affecting this *indirect*, as the doctrine of manures affects the *direct* method of raising human food.

Thus it was observed that one kind of herbage, or corn or root, fattened animals more quickly than another; or aided their growth more; or caused them to yield more milk; or made their milk richer, in butter or in cheese; that, from certain kinds of land, or after some modes of culture, or when raised by the aid of some kinds of manure, the same kind of produce was more nutritive; and that, when given in some states, or under some known conditions, it went further, and was therefore more valuable in the feeding of animals.

How many curious questions are suggested by such observations as the following! Some varieties of wheat are better suited for the pastrycook; others, for the baker of bread. Some samples of barley refuse to *melt* in the hands of the brewer and distiller; and some yield more brandy; while others lay on more fat. The Scottish ploughman refuses bog oats for his *brose-meal*, or for his oaten-cake, because they make it tough; and the cotter's family prefer Angus oats for their porridge-meal, because they swell, and become bulky and consistent in the pot, and go further in feeding the children at the same cost. The pea sometimes refuses to boil soft; and potatoes, on some soils and with some manures, persist in growing waxy. If Swedish turnips sell for thirty shillings a ton—as in large towns they often do—yellow turnips will bring only about twenty-five, and white globes, eighteen; while all the varieties cease to *feed well* as soon as a second growth commences.

What is the cause of such differences as these? How do they arise? Can they be controlled? Can we by cultivation remove them? Can we raise produce of this or that quality at our pleasure?

Such questions, constantly arising, have led to extended analyses of the food consumed both by cattle and by man; and from these analyses—still far from being complete—most curious, most interesting, and most practically important results have already been obtained. Let us glance at some of the partial generalizations which have been arrived at, and which may be *provisionally* adopted, by practical men.

We have already seen that all vegetable productions contain from ninety to ninety-eight per cent of combustible or organic matter. Now, this organic part has been found, in all cases, to contain three different classes of substances:—

First, the *starch* class, which comprehends starch, gum, and sugar, and certain other substances of a similar kind.

Second, the *fatty* class, which comprehends solid and liquid oils of various kinds, of which the oils extracted from seeds and nuts are familiar examples.

Third, the *gluten* class, which comprehends the gluten* of wheat, vegetable albumen, vegetable casein, and some other analogous substances, the distinctive characters of which have not as yet been thoroughly investigated.

These several classes of substances are always to be found in sensible quantity in all our cultivated crops; but their proportions vary in different plants, in different parts of the same plant, and in the same part when the plants are grown in different climates, on unlike soils, or by the aid of different manures. Hence the occasional differences in the sensible qualities of the same vegetable, under different circumstances—the waxiness of the potato, the hardness of the pea, and the stubbornness of the barley—become intelligible. The several organic constituents of the grain and root crops are present in unlike proportions, and necessarily give rise to unlike qualities.

But their unlike effects, in the feeding of animals, suggested a further train of investigation. The parts of animals are known to be differently built up, or with different degrees of rapidity and success, by these different varieties of vegetable produce;—of what, then, do the parts of animals themselves consist? The answer to this question throws a new and beautiful light upon our path, clearing up obscure points on the way we have already trodden, and pointing out new tracks, which it will prove interesting hereafter still further to explore.

All animal substances—the flesh, bones, and milk, of all living creatures—consist, like the soil and the plant, of a combustible and an incombustible part. In dry muscle and blood, the incombustible or inorganic part does not exceed two per cent, and

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* When wheaten flour is made into a dough with water, and this dough is washed with a stream of water upon a sieve, as long as the water passes through milky, a tenacious substance, like bird-lime, remains behind. This is the gluten of wheat. Albumen is the name given by chemists to the white of the egg; and casein, that applied to the curd of milk. Of both of these latter, an appreciable quantity is found in almost every kind of vegetable food.

in milk evaporated to dryness, seven per cent; while in dry bone it amounts to about sixty-six per cent of the whole weight.

The combustible or organic part consists of fibrin—the fibrous part of lean meat is so called—and of fat. And rigorous analysis appears to show, that this fibrin is almost identical in constitution with the pure gluten of wheat; while the fat of some animals at least, is absolutely identical with the fatty oils contained in certain vegetable productions.

The incombustible part, again, consists of soluble saline substances, and of an insoluble earthy matter, the *earth of bones*. These two classes of inorganic substances exist also in the ash of all plants, though in variable proportions. The stems and leaves abound more in soluble saline matter, the seeds in bone-earth and other phosphates.

These things being discovered, the uses of the several constituents of the food became in some degree manifest. The fat of the animal was derived directly from the fat of the vegetables on which it lived—its muscular fibre directly from the gluten of its food—and the salts of its blood, and the earth of its bones, from the inorganic matters contained in the ash of the plants on which it fed. The plant produced the raw materials, the fat and gluten—the bricks and stones as it were—with which the animal, having received them into its stomach, proceeded directly to build up its several parts.

And as the proportion of fatty matter was greater in some vegetables than in others, some kinds of food would enable the animal to lay on more fat, or to produce more butter. Others again, in which gluten abounded, would favour the growth of muscle, or the production of cheese; while those of which the ash was richest in bone-earth, would enlarge and more rapidly increase the bones of growing animals. In so far also as the composition of the food was known to be modified by the soil on which it grew, so far might the fattening or growth of stock be considered as directly dependent upon the quality of the land on which they lived, or were fed; and in so far as the application of this or that manure was known to affect the quantity of gluten or fat in the crop, in so far would it be in our power, by varying our manures, to control the ordinary operations of nature, and to raise varieties of produce, fitted especially for this purpose or for that. These deductions opened up a wide field for experiments, both in the practical raising of varieties of food, and in the practical feeding of stock; upon which many zealous cultivators have already entered, and which, if they cultivate it with perseverance and accuracy, they are sure to cultivate with success.

How beautiful is the connexion thus established between the dead earth, the living plant, and the reasoning animal! The life and growth of the animal are dependent upon what it receives from the plant, those of the plant on what it receives from the soil on which it grows. The plant does not always produce, in equal quantity, those substances which the animal requires. It is dependent upon the nature of the soil, even for the proportion of gluten, or of fat, which it is capable of yielding to the wants of the animal; while the inorganic part of its substance is wholly drawn from the spot of earth on which it happens to be placed. It strikes us at first as a curious circumstance, that all vegetable food should contain bone-earth and common salt in some small proportion, and that useful plants should refuse to grow in a healthy manner where these substances are not present in the soil. But this arrangement appears absolutely beautiful when we learn, that without these substances the animal cannot live. The main purpose served by the vegetable is to feed the animal races. This they could not do, if they did not contain all that animals require to form the several parts of their bodies; their bones and blood, as well as their muscles and their fat. Thus the soil imparts to the plant only what it is the special duty of the plant to impart to the animal. Hence the machinery of life —of life animal, as well as of life vegetable—must equally cease to move, if the soil be deficient in any of its necessary ingredients. How much, therefore, both of the direct or cropping, and of the indirect or manufacturing branches of rural economy, depends upon the chemistry of the soil!

But another important fact in regard to the composition of vegetables was still unexplained, and in connexion with it another beautiful process or function of animal life. Vegetable food contains a large proportion of starch or gum, while in the body of the animal these substances are wholly wanting. What becomes of the starch when eaten? Why does it exist so abundantly in plants? What purpose does it serve in the animal economy? Again, all animals breathe. They inhale atmospheric air, containing one two-thousand-five-hundredth part of carbonic acid—and they exhale an air containing from one to four or five *hundredth* parts of the same gas. In other words, the living animal is constantly discharging carbon into the air, in the form of carbonic acid. Whence is this carbon derived? What part of the food supplies it?

The starch and sugar of the food supply the carbon for respiration. The leaves of plants take in carbon from the air, in the form of carbonic acid, that it may be converted into the starch and other analogous compounds of which their substance

consists. The digestive organs of animals undo the work of the leaves, and their lungs return the same carbon to the air, in the same gaseous form of carbonic acid. That which enters the stomach in the form of starch, escapes from the lungs in the form of carbonic acid and watery vapour. Thus, in another way, are animal and vegetable life connected, and again they play as it were into each other's hands. And it is beautiful to consider, that while the plant and the animal appear thus to be working contrary to each other, they are, in reality, producing each what is necessary to the existence of the other, and perform each its allotted part in maintaining the existing balance or stability of things. The round of animal and vegetable life may be regarded as a little episode in the history of nature. The system of the inanimate universe is complete of itself. The dead matter of the globe is comparatively little affected by the existence of life. A small portion of it is, for a time, worked up into vegetable and animal forms, and then returns again to the earth as it was. But what a beauty, though transient, does this poetry of life impart to the face of nature, clothing it with verdure, and peopling it with moving and graceful forms! What a broad field has it afforded for the exercise of the Creator's skill and bounty!

Few persons who have not closely attended to this branch of our subject, can be aware of the many refined practical questions which are both suggested and answered by this study of the composition of the different kinds of food—of the purposes served by their several constituents—and of the dependence of each in quantity upon the soil from which our crops are reaped. All the four classes of substances contained in vegetables appear equally important to the animal. With none of them can it safely dispense. The starch is necessary to supply the wants, so to speak, of the respiration—the gluten to build up the substance of the muscles—the fat to lubricate the joints, to round off the extremities of the bones, to fill up the cellular tissue, and to enable the muscles to play freely among each other—while the saline and earthy constituents of the plant yield the salts of the blood and other animal fluids, and the earthy phosphates and carbonates of the bones.

It is true that, in cases of exigency, pliant nature permits some of these substances to be converted to the natural uses of the other. The starch of the food may be partly employed in the production of animal fat, when fatty substances are present in too small quantity in the food; while from the fat, and even from the gluten of the food, may be derived the carbon of respiration, when starch, gum, or sugar are eaten less abundantly.

But the *economy* of feeding consists in supplying the natural wants of the animal in the most natural form—imposing upon the digestive organs the least possible labour; and in adjusting, besides, the quality of the food, or the proportion of its several constituents, to the special purpose for which the animal is fed. In all these remarks, it will be understood that we refer only to the herbivorous races—those which the farmer rears as instruments or machines for the converting of roots and herbage into palatable food for man.

But animals are kept for another important use besides that of manufacturing food—for the conversion, namely, of straw, roots, and green herbage, into manure for the corn-fields. And here start up new questions. What is the chemical difference between animal and vegetable manures? What change does the grass or straw undergo in passing through the body of the animal? Why is the dung of animals of one kind richer than that of animals of another kind? Why is it of unequal richness in different animals of the same kind, or when fed upon different kinds of food? And if we can explain these things, can we also control them? There is a strictly scientific economy in the manufacture of beef or cheese, can any such economy be established in the manufacture and use of animal manures?

Our space does not permit us even to allude to the extended chemical enquiries, both in the laboratory and in the field, to which these questions have already led, and are still leading. The results of them prove, that on this most practical branch, clear principles are also attainable, and that something of the dignity of science may be imparted even to these more humble labours of the cultivator of the soil.

We have already said, that animal and vegetable life seem to play into each other's hands; that dead and living forms of matter pass incessantly into each other in one unbroken round of change. Could we, in our limited space, follow the decaying plant and animal through all those changes which the subject of animal manures suggests to us—could we trace their course from the time when their several parts either sink into the soil or escape into the air, till they again assume new forms of life—we should not only see more clearly and beautifully still how closely and indissolubly all forms of life and of organized matter are knit together, but be convinced also that the whole adjustment of animal and vegetable being, the necessary connexion of air, soil, plant, and animal, is the conception of *one mind* only, and must be regulated and controlled by *one* Almighty and All-bounteous *hand*.

But we have stated more than enough to show the importance especially of chemical science to the progress of agriculture—how much it has already done, how much, if properly encouraged, it may yet perform. The numerous trains of research to which we have alluded, have added largely both to our theoretical and to our practical knowledge; and it has become necessary to embody this knowledge in books devoted especially to the subject of scientific agriculture. This has been done in Germany, France, England, Holland, Sweden, and the United States of America, by the works of which the titles are prefixed to the present article. The number of these works, and the names of their authors, may be regarded as an indication both of the actual advance of our knowledge, and of its value to the art of culture; while the numerous translations, reprints, and editions through which those of Liebig, Mulder, and Johnston have already passed, show how satisfied the agricultural body must be in all parts of the world, as to the importance of possessing and applying that knowledge.

It is of little importance, indeed, that such knowledge is in our possession, unless it be also widely diffused. Information is proverbially slow in spreading itself among the agricultural classes. As a body, they frequent the bypaths and outfields of society. The rumours that pass along the highways are less frequently heard by them, and the sounds of advancing knowledge often die away before they can reach their secluded ears. Men who know little are also most obstinately wedded to old opinions; and the practices of their forefathers are not easily given up in remote places, where the influence of numbers is unfelt, and where the example and the ridicule of the better informed are equally unknown. Accustomed almost solely to hardy exercise, our rural population also read but little. To them, books of any size are literally dead things. Small seeds of knowledge must be sown among them, if we would see it shoot up and ripen into an ear.

Those who are connected with agriculture are not inferior in natural intelligence to any other class of the community. And yet it is not denied, that both owners and tenants, as a body, possess less of that acquired knowledge which specially relates to the art by which they live, than those who hold the same station in reference to any of our great manufacturing arts. This is to be ascribed to the small value hitherto placed upon any other than practical instruction in reference to agriculture, and to the consequent absence of nearly all public provision for acquiring it. Notwithstanding the acknowledged importance of the art of culture, no regular course of instruction in connexion with it is given in the English or Irish universities. There is

indeed a Professor of rural economy at Oxford, but there is no Class, and therefore only occasional lectures. In the universities of Edinburgh and Aberdeen there are Chairs of agriculture; but even in Scotland no provision has yet been made for a *systematic* agricultural education. The Edinburgh Chair is, however, numerously attended, and has the advantage of an illustrative Museum.

Three duties, therefore, appear to be mainly incumbent upon the agricultural branch of our population at the present time: —to promote the diffusion of existing knowledge in reference to the art of culture—to encourage and aid in enlarging the bounds of that knowledge—and to remove every obstacle which may interfere with its application to the improvement of the soil.

How may existing knowledge be best and most effectually diffused? The means adopted must be suited to the several grades, in age and station, to which it is desirable to impart it. The great mass of the agricultural population can only be reached at present through the primary schools—those of the great educational societies in the southern half of the island, and the parish and private schools in the north. For these schools small elementary works must be provided. Mr Johnston's *Catechism* for the scientific, and a similar small treatise on the practical part, would suffice for this early instruction. Such school training would not only convey much positive information, likely to be useful in their after life, but would also arm the young against the prejudices of the old, and would familiarize them with those new words and phrases which the grown-up farmers find it so difficult to understand and to recollect. It is a recommendation of this method, that it requires no new machinery to bring it into operation, and that a little preliminary training in the Normal school will fully qualify the teacher for carrying it on. If he be an intelligent man, indeed, the schoolmaster, with the aid of one or two books, may readily become his own instructor; for the experience of the Irish national Normal schools has been, that of all men the schoolmasters are the most easily taught. The eagerness with which the Scottish schoolmasters have already taken up the subject, shows that they are neither less apt to learn, nor less patriotic than their Irish brethren. Among the teachers of elementary schools in England, we have heard of comparatively little movement having yet been made.

As to the boys, there seems now no doubt of the possibility of giving them important agricultural instruction at a very early age, and without at all interfering with the usual course of instruction in our elementary schools. Upon this subject we were not without our doubts, until at a public meeting, where we

chanced to be present, upon the subject of agricultural education, held in Glasgow in August last, and presided over by the Lord President of our Supreme Court, we had the pleasure of hearing from Mr Skilling an account of the system of instruction adopted at the national model farm of Glasnevin; in which the Irish Commissioners have incorporated agricultural with the more usual branches of elementary instruction; and of witnessing the examination of some very young boys from the national school of Larne, in the county of Antrim. At this meeting our doubts were wholly removed; and we are delighted to learn, that since it was held the influence of numerous proprietors has been successfully exercised in causing agricultural instruction to be introduced into their own parish schools.

But for the grown-up youth some higher instruction ought to be provided. It is not unreasonable to expect that our grammar schools, high schools, and academies should connect some portion of agricultural knowledge with the other branches they have hitherto been accustomed to teach. Yet in the grammar and free schools of England, we fear that no such introduction of new subjects is likely to take place, until they have first found their way into the universities of Oxford and Cambridge, of which universities the head masters at least are usually graduates. In Scotland, we believe there are fewer obstacles to such a measure. In the Scotch universities, a certain amount of natural knowledge is taught to all who graduate in arts—a taste for chemistry is also widely diffused among the people; so that the attempts which have already been made to introduce scientific agriculture into some of the country academies, are likely, we hope, to meet with some encouragement and success. Every country gentleman ought to obtain at school some elementary knowledge upon those subjects which bear so closely upon the improvement of the land; and it is both the duty and the interest of those in whom the direction of our higher schools is vested, to see that the necessary means for imparting such knowledge are every where provided.

It may be doubted, however, whether a full measure of special instruction is to be expected by the sons of our proprietors and larger tenants, in any of our existing schools and colleges. In England and Ireland this opinion has long been gaining ground, and efforts are now making, with a fair prospect of success, for the establishment of agricultural colleges in both kingdoms. The college at Cirencester, now in progress, and which Lord Bathurst has so warmly supported, promises to supply to Gloucester, and the neighbouring counties, a complete agricultural education; and other colleges, on a similar scale, will no doubt spring up here-

after in other parts of the kingdom. In Ireland, the project of a national college, under the auspices of the Royal Agricultural Improvement Society, has been for some time entertained; and in the mean time, the north of Ireland is deriving an almost inappreciable benefit from the silent and unobtrusive, but most efficient labours, of the unendowed agricultural school at Templemoyle. In Scotland also, such a college has been projected; and though there is a peculiarity in the educational system of Scotland, which may render such an institution less urgent than in the sister kingdom, it may be doubted if the landed interest could in any way more profitably invest a sum of twenty or thirty thousand pounds, than in the establishment of a special school of learning, which would do so much to develope the latent resources, and thus to increase the market value of the land.

Such higher institutions as these would also, in some measure, provide for the second thing most to be desired on behalf of agriculture—the further elucidation, namely, of all those branches of chemical and other science which bear so closely on the more difficult departments of rural economy. The investigations required for this purpose cannot be prosecuted with sufficient energy by individual means; they must be aided and promoted by those who are to derive the chief benefit from the discoveries to which such investigations are sure to lead. In the laboratory of an agricultural college such trains of research would form part of the usual analytical labours, and the cost of time and money would be defrayed from the general funds of the institution.

And here we should be unpardonable, were we to pass over an association lately formed in Scotland—the Agricultural Chemistry Association—the idea of which, and so far its exertions and promise, come fully up to the demands of the time. It is highly honourable to Scottish agriculture that this association originated with some of its best practical men; since it shows an appreciation of the importance of science to the art of culture, which could scarcely have been expected to have first seriously manifested itself among men of their class.

This Association has three specific objects. *First*, to diffuse, by every available means, a knowledge of those applications, especially of chemical science, by which it is believed that the general produce of the soil may be largely increased. For this purpose, the Officer of the association has already made numerous tours into the provinces, lecturing to agricultural audiences, meeting the farmers and proprietors in public, and upon their farms and estates; illustrating the important benefits which science is fitted to confer upon the practical man; and pressing upon all classes of the agricultural community

the necessity of applying a more extended knowledge to the culture of the soil, and the pecuniary profit which might be expected thence to result. It is a proof at once of the intelligence of the Scottish farmers, and of their desire for information, that they every where come in crowds, and listen with eagerness to these agricultural lectures. Distinct traces, also, of their permanent effects are already discernible in many parts of the country. The farmers have been led to reflect and to read; they have bought useful books, and, in some places, have established small agricultural libraries. Their awakened desire to be made acquainted with the agricultural knowledge of the day, has also led to the establishment of some cheap monthly periodicals, entirely devoted to scientific agriculture; while the demand for some simple means of instructing the young, gave rise to the above-mentioned *Catechism of Agricultural Chemistry.*

Another important movement also has been originated by the members of this Association, from which we believe most valuable results will arise. Our agricultural societies, both great and small, have hitherto expended their main force in encouraging the breeders and fatteners of stock; and their great annual festivals have been, as they are called, indeed, mere shows—meetings for amusement rather than for instruction. The culture of the soil derives no direct benefit from these great meetings. The mass of intellect and information which they bring together is allowed to scatter itself again to the winds, without any effort being made to render it serviceable to the common good. How many men come to them rich in acquired knowledge and full of experience!—how many poor in information who would gladly be instructed by them! If it be a local good, that the farmers of a limited district should meet together in clubs, and mutually impart the results of their reading and observation, may not a more general good be expected to follow from the larger meetings of the most skilful men from every part of the kingdom?

The movement to which we have alluded, was made with the view of attaining this good end—of imparting *first* a more intellectual character to these great agricultural meetings, and of gradually establishing independent meetings in different parts of the country, and at different seasons of the year; the proceedings of which should have reference mainly to the culture and amelioration of the soil. With this view, advantage was taken of the late meeting of the Highland Society at Glasgow. Two public breakfasts were held during the week for the discussion of agricultural subjects. These were eminently successful, and, from personal observation, we believe eminently useful. They

will, it is believed, be repeated with more form and preparation at Dumfries in August next, and, in the interval, we hope in other parts of the country.

The *second* object of the Agricultural Chemistry Association is to protect the practical farmer, now so much dependent upon portable and artificial manures, from the ignorance, the quackery, and the intentional frauds to which he has hitherto been exposed —to provide him with a chemical authority on which he can rely in cases of doubt, and to which he can have recourse in all cases of difficulty. For this purpose a chemical Officer has been appointed, who has his laboratory and staff of assistants in Edinburgh, and whose duty it is, at a moderate charge, to give advice, and to make analyses at the request of the members. It has been stated, as an evidence of the actual efficiency of this arrangement, that while complaints of the adulteration of manures are constantly heard in all parts of England, only one authenticated case of adulteration has taken place in Scotland since the establishment of the association. If this be true, the moral effect of the chemical check which has been provided seems to be very powerful.

The *third* object of the Association is, to aid in enlarging our knowledge in regard to those numerous scientific principles, the fuller development of which is sure to lead to further improvements in rural economy. The same staff of assistants, and the same laboratory, are intended to prosecute this object also. It is to be hoped that the funds of the Association may prove large enough to admit of such researches being followed out, as a main object of the institution; for, though they may not appear to be so immediately and sensibly profitable to the members as analyses of soils and manures are seen to be, yet they are really of far higher consequence to the future advancement of the art of culture. Many of the fields of scientific investigation, to which we have adverted in the present article, are as yet barely marked out; and much practical benefit may reasonably be expected to result from the diligent cultivation of them.

But all these steps being taken for the diffusion and extension of agricultural knowledge, are there no obstacles which will prevent or retard its successful application to the general improvement of the soil? If we look at the comparatively neglected and unimproved state of the surface in nearly all retired, little seen, and little visited districts of the island, we shall see reason to believe, that something more than the mere want of knowledge must, in some places at least, stand in the way of a more perfect system of cultivation. Even in more frequented

and accessible districts, vast quantities of land present themselves, upon which the first and most elementary of all improvements—the removal of water by drainage—has been scarcely begun. How many have been struck with surprise by the tracts of neglected country laid open by the great North of England Railway in its passage through Yorkshire? How many more will be amazed by the appearance of the country hereafter to be traversed by the Scottish central line of Railway through Lanarkshire and Dumfries? And yet lands which remain in this condition are farmed and owned by men who call for fiscal regulations to protect them from foreign competition. Such demands are entitled to a fair consideration when they are made by those who have done their utmost to make their lands productive; but they come with a bad grace from those who are slow to improve, and who will put forth no energy to help themselves. It is unreasonable in the producer of corn both to refuse to grow it himself, and to prevent the consumer from buying it of those who do.

Much of the improvement that has taken place in Scotland has been ascribed to the Leasehold tenure upon which farms are generally held; while the backward state of agriculture in some of the English counties has been attributed to the system of tenancy at will. It is no doubt true that an interest in the land of some degree of permanence—a kind of fixity of tenure—is necessary to induce a man, nay, to justify him to himself and his family, for expending his capital upon the soil from which he may be summarily ejected. A certain number of years will elapse before a given outlay will be repaid; his tenure of the land, therefore, should be certain for so many years at least, or he cannot prudently invest it in improving his farm. There was a time, no doubt, when the mutual confidence between landlord and tenant was so great—and there may be districts in which it still remains so great—as to render any formal agreement unnecessary. But if any thing happen to disturb that confidence, the tenant is always the loser. If the landlord take umbrage, the tenant must quit, and leave his improvements uncompensated behind him; whereas, if the tenant choose to leave at any time, the landlord is nothing the worse. We believe, therefore, that it is just to both parties that farms should be held on lease, and that it would be for the general good of British agriculture if a leasehold tenure universally prevailed.

It is natural that the owner of the land should be averse to the system of leases, in so far as they deprive him for a time of that absolute control over his own land which he would otherwise possess. But this control he surrenders for a certain equivalent

in the shape of rent—he cannot expect both to retain this control and to obtain a rack-rent for his farms. If, in addition, political considerations induce him to maintain his full power over his estate, for these he must make a further abatement from his rent-roll. Nominally his income may be as great where this power is retained, as where it is given up; but *ultimately* abatements and defalcations will bring it down to the market value of those privileges only to which the tenants feel themselves to be entitled. It is clearly, therefore, for the pecuniary benefit of the proprietor that a certain permanence of tenure should prevail.

But the tenantry in England are themselves in many districts averse to leases. These bind the tenant as well as the landlord, and they express themselves as unwilling to be bound. But the tenant also sacrifices his liberty for a consideration; and if the chance of making money and of leading a secure and comfortable life, be not greater under the one system than the other, he had better keep himself free. But his main dread arises from the instability of prices, and from the fear of a change in those fiscal regulations which, for the last generation, have been a constant source of vexation and apprehension to the tenant farmer. It were a far happier state of things for this class of men, if they could altogether turn their minds away from such considerations; and direct their whole energies to a more sure and stable means of paying their rents—by increasing the fertility of their land, and by raising from the improved surface the largest possible amount of corn. With these means no fiscal regulations can ever interfere.

The great national evil which flows from a yearly tenancy is this—that the entire burden of permanently improving the soil devolves naturally and of right upon the landlord. The interest of the tenant is to extract as much as he can from the soil year by year, since only for so long is his tenancy secure. It is only from the landlord that the state can demand any present sacrifice for the purpose of securing a prospective increase of produce on unleased lands.

The owner who improves land so held, has it in his power to increase the rent as soon as its condition is bettered; and this, one would think, should serve as an inducement to the proprietor to expend his money in improvements. But there are several serious obstacles which lie in the way of a sufficiently large expenditure of money, for such a purpose, by this class of the agricultural community.

First, They are comparatively few in number; and as a body, therefore, there are far fewer among them who are familiar with the necessity that exists for a large outlay in improving the soil—under what circumstances it ought to be expended—and

what powerful inducements there really are to such an expenditure. We lament the prevailing ignorance among practical men; but were their superiors more generally and thoroughly instructed, a far more rapid progress of improvement might be confidently anticipated.

Then it is further unfortunate, that many of those proprietors who have both the knowledge and the will, possess far more land than the most princely fortune would suffice to improve, within several generations. Where whole counties are to be rendered more fertile through the capital of one individual, employed under his own direction or with his immediate consent and approbation, great good may occasionally be done: but while fashionable and political life present such strong temptations to expenditure for other objects, we cannot hope for that general and progressive development of the resources of the soil, from this quarter, which the present state of the country demands.

Again, a large proportion of the owners of the soil are really without the means, however willing they might be to expend liberally for so important an object. Burdened by settlements and mortgages, many estates are only *nominally* enjoyed by their reputed possessors; who thus derive from their encumbered properties what is barely sufficient to maintain them in the station in which they have been accustomed to move. From this state of things the whole people suffer. No permanent improvement of the soil can be effected by the owner for want of means —none by the tenant for want of encouragement.

And this natural evil, which to a certain extent could scarcely be prevented, is greatly aggravated by the system of Entails. Large tracts of land, in some parts of Scotland, seem to tell the intelligent traveller as he passes through them—here and there showing him, in more favoured spots—what they would generally produce if generally improved by a judicious expenditure. And the traveller asks, who is the owner of this or that estate, and why is it thus comparatively neglected? The answer is, that the property is entailed, and the present possessor has no heirs; or that it is entailed on heirs-male, and the possessor has a family of daughters only, for whom it is his duty to save what will form a respectable provision when he is gone. There are few of our readers who are not familiar with some such cases; and there are few counties in the island, of which large portions do not languish in comparative unproductiveness from the operation of the cause now specified.

Nor are the effects of this backwardness or inability of the landlord, confined to those districts in which the tenant-at-will system of holding naturally lays the main burden of improve-

ment on the owners of the soil. Even where leases exist, the want of knowledge, of capital, or of enterprise, on the part of the tenants, not unfrequently call for the zealous interposition, the willing co-operation, and the enlightened example of the resident landlord. In remote districts of the country, leases alone are not enough; the tenantry must be stimulated by the presence, by the purse, or by the actual trials of the owner; and it is a misfortune to the country when the proprietor is permanently an absentee; or, if he reside on his estate, when he has either no skill to improve, or no capital to expend, by way of example to those who farm his land.

It would be premature, we think, to suggest or to recommend any special, legislative, or other remedy, for the evils to which we have thus slightly now adverted. We have great faith in the universal diffusion of knowledge, and in appeals to the reason and intelligence of instructed men. Out of such diffusion will naturally spring a more extended desire for agricultural improvement, among all those classes which are directly interested in the culture of the soil; and from this again, a wish to remove every obstacle which lies in its way. To diffuse knowledge, therefore, is in our opinion the first object; and we must be content to wait patiently until this all-powerful principle has produced its natural effect.

ART. IV.—*The Public and Private Life of Lord Chancellor Eldon. With Selections from his Correspondence.* By HORACE TWISS, Esq., one of her Majesty's Counsel. 3 vols. 8vo. London: 1844.

THIS is not only a valuable but a very agreeable book; much more so than we thought a Life of Lord Eldon, in three thick octavos, could be made. The announcement, we own, rather appalled than gladdened us. We saw, in our mind's eye, Mr Twiss's copying-clerk unceasingly at work. We anticipated whole chapters of debates on Catholic Emancipation, Chancery Reform, Reform in Parliament, and other great public questions; and we internally vowed that no human consideration should induce us to recommence a series of exhausted controversies, or fight over again the battles we have won. We have been pleasantly disappointed. Mr Twiss is evidently as tired of such matters as ourselves. He has given us just so much of them as are necessary to prevent chasms in the narrative;

but the staple of the work consists of letters (many from royal personages) supplied by the family; the curious biographical details which have appeared in the *Law Magazine;** a manuscript book of anecdotes and observations dotted down by Lord Eldon himself for his grandson, (new 'Tales of a 'Grandfather;') and notes of conversations with the old Lord shortly before his death, made by Mr Farrer and two members of the family. No biographer could possess richer materials, and few biographers would have made so good a use of them. Some of the old stories might have been omitted, and some of the letters thrown into an appendix; but, without being hypercritical, it would be difficult to suggest any fresh distribution of parts, any cuttings-out or fillings-up, by which the publication would be essentially improved; and it is generally allowed that those passages where Mr Twiss comes forward in his own person, such as his political portraits, are judiciously interspersed and extremely well written.

Of course the book is a partial book. What life or memoir of a public man is not? Of course Mr Twiss, a Tory though a Canningite, is occasionally unjust to Whigs; for even the truth-loving Dr Johnson, when he wrote the debates of the House of Commons, always took care, he says, that the Whig dogs should have the worst of it. On some future occasion, therefore, we shall probably specify not a few statements and glosses in which we think the Whig party, and the truth of history, have been alike aggrieved; but it is beside our present purpose to undertake an examination of the work under its political aspects. Neither is it our intention to compose a fresh abstract or abridgement of the narrative, though this is both the easiest and pleasantest way of dealing with volumes of biography. It is one, however, which can only be employed effectively by first comers; and owing to the pressure of other subjects, and engagements, we happen to be among the last. Indeed, little or nothing seems left for us but to point the moral and adorn the tale; and our more peculiar object in this article will be, to compare Lord Eldon's career with that of other great lawyers; to form a precise estimate of his talents and opportunities; to ascertain what he owed to merit and what to fortune; and pronounce where his example should be followed, as well as when (for this will sometimes happen) it should be shunned. In analysing the causes of his rise, we shall necessarily be led to

* The Lives of Lord Eldon and Lord Stowell in the *Law Magazine*, are by Mr Townsend, author of a *History of the House of Commons*.

take a view of the general qualifications for success at the bar, and the difficulties which beset the aspirant to forensic honours. But we do not think this will prove the most uninteresting or unacceptable part of this article. There is hardly a family among the educated classes that has not a relative, connexion, or intimate acquaintance, embarked in the struggle: all these will be glad to learn what expectations they are justified in forming, and how they may best advance the fortunes of their favourites; while some will not be sorry to repair an involuntary injustice when they find, that, in this as well as in every other walk of life, it is one thing to merit, and another to command, prosperity.

These intimations will prevent any mistake as to our present objects; and we find it absolutely necessary, from the views we entertain regarding much that is contained in the work, to prevent any one from insinuating that because we are silent, we have nothing to the purpose to say.

We are the more anxious to take this opportunity to explain the true nature of the forensic career, with the circumstances that influence it, because no subject is so little understood. One popular fallacy meets us at the very threshold. Lord Eldon, the son of a wealthy trader, is said to have done wonders in overcoming the disadvantages of birth; and no longer ago than the last session, Sir Robert Peel, in justifying the reappointment of Lord Lyndhurst to the Great Seal, dwelt much less on his great experience, sagacity, and fine judicial understanding, than on his having risen by his own exertions from (what the Premier was pleased to term) comparative obscurity to the highest civic station next the throne. When such notions are sanctioned by such authority, it is time to probe them to the root.

A little book was published recently, entitled *The Grandeur of the Law*, from which it appears that more than seventy British peerages have been founded by successful lawyers, the Dukedoms of Norfolk and Devonshire being of the number. Sir William Howard, a judge in the reigns of Edward the First and Edward the Second, was the founder of the Howard family; Sir John de Cavendish, Lord Chief-Justice in the reigns of Edward the Third and Richard the Second, of the Cavendishes. But the church in those days was the only profession which afforded the lowly-born a chance; judgeships were conferred by the Edwards and Henrys without much regard to judicial qualities; and it will be found, upon nice enquiry, that the majority of those who rose to eminence through the law prior to the seventeenth century, were men of good family, or connected with the great. Indeed, it was not until the beginning of the eighteenth that the lists were thrown open to all comers,

and the prizes fairly distributed; but, dating from that period, the self-dependent competitors have had their full share of them.

Lord Somers' father was an attorney at Worcester: Lord Hardwicke's, an attorney at Dover; Lord King's, a grocer at Exeter; the late Lord Gifford's, (by an odd coincidence,) a ocer in the same city; Lord Thurlow's, a poor country clernan;* Lord Kenyon's, a gentleman of small estate in Vales; Dunning's, an attorney at Ashburton; Sir Vicary Gibbs', a surgeon and apothecary at Exeter†; Sir Samuel Romilly's, a jeweller, though of a good refugee family; Sir Samuel Shepherd's, (as we learn from a memoir by his son,) a goldsmith; Lord Tenterden's, a barber at Canterbury, described as 'a little, erect, primitive-looking man, with a large 'club pig-tail, going about with the instruments of his 'business under one arm, and attended by his son Charles, '(the future Chief-Justice,) a youth as decent, grave, and 'primitive-looking, as himself.'‡ Lord Mansfield and Lord Erskine were men of family; but all Lord Mansfield got by his noble connexions were a few briefs in Scotch appeal cases; and Erskine, just about the time when he was called to the bar, was heard emphatically thanking God, that, out of his own family, he did not know a lord. It would have been more to the purpose to thank God that he *did* know an attorney; but he judged rightly in supposing that his noble blood would be of no avail. The reason is stated by Sergeant Talfourd in his 'Essay on the Bar.' After explaining the composition of the class with whom the distribution of business rests, and the absolute necessity for those rules of etiquette which strangers are apt to ridicule, he continues:—

'But no rule of etiquette, however strict, and no feelings of delicacy, however nice and generous, can prevent a man, who has connexions among attorneys, from possessing a great advantage over his equals who have none. It is natural that his friends should think highly of him, and desire to assist him; and it would be absurd to expect that he should disappoint them by refusing their briefs, when conscious of ability to do them justice. Hence a youth, born and educated in the middle ranks of

* When Thurlow was Chancellor, some one, wishing to flatter him, suggested that he was descended from Thurlow, the Secretary of Cromwell. 'No, sir,' was the gruff reply, 'there were two Thurlows in our 'county in those days, Thurlow the secretary and Thurlow the carrier. 'I am descended from the carrier.'

† The air of this city seems congenial to forensic talent. Sir William Follett was born in the immediate neighbourhood.

‡ The *Law Magazine*, Vol. xxvi. p. 51.

life, who is able to struggle to the bar, has often a far better chance of speedy success than a gentleman of rank and family. This consideration may lessen the wonder, so often expressed, at the number of men who have arisen to eminence in the law from comparatively humble stations. Without industry and talent, they would have done little; but, perhaps, with both these they might have done less, if their early fame had not been nurtured by those to whom their success was a favourite object, and whose zeal afforded them at once opportunity and stimulus, which to more elevated adventurers are wanting.'

Lord Eldon's father was a general trader at Newcastle. His principal employment was that of a coal-fitter or coal-factor, (the person who conducts the sales between the owner and shipper;) but, according to a memorandum kept by Lord Eldon, his dealings were not limited to one commodity:—

'Malt; coals; ships; underwriting ships; grindstones for foreign countries; coal forges on the Tyne, 12, 13, 14, or 16, two men each, all the year; sole owner of a sugar-house in Newcastle; owner of various houses and large gardens; bought two estates in the county of Durham. Lord Stowell never would sell them after his father's death, because they were his father's. At his death, there were few persons in Newcastle town of substance equal. He provided liberally for his eldest son as such—decent fortunes for his several younger children, sons and daughters. The best inheritance the father could leave to all his children, was a remembrance of his industry unremitting, his probity never interrupted, his piety most constant and pure, his exemplary life.'

When we add that the property left to Lord Stowell alone amounted to £25,000, the supposed marvel is at an end. Lord Eldon had as fair a start in point of birth and connexion as nineteen out of twenty of his contemporaries. So (with due deference to Sir Robert Peel) had the present Lord Chancellor. We do not say this to detract from their merits, but to fix the precise value of the examples they hold up.

The Scotts received their school education at the grammar-school of Newcastle. Lord Collingwood was Lord Eldon's class-fellow. 'We were placed at that school,' (said Lord Eldon,) 'because neither his father nor mine could afford to place us 'elsewhere.' They lay under no disadvantage on that account, and Lord Eldon felt that they did not. He is always eager to do justice to the merits of his old master, the Rev. Mr Moises, and tells, with evident satisfaction, the anecdote of the King (George III.) expressing his surprise how a naval officer could write so excellent a despatch as that which contained Collingwood's account of the battle of Trafalgar, and suddenly adding, 'but I find he was educated by Moises.' The foundation of the two brothers' fortune was laid by William, (Lord Stowell,) who in his sixteenth year obtained a scholarship at Corpus Christi

College, Oxford, and followed up this first university success so effectually, that in 1766, when the father wrote to notify an intention of making his youngest son a fitter, he was enabled to reply—'Send Jack up to me; I can do better for him here.' Jack was accordingly matriculated in 1766, being then fifteen, and the year following elected to a fellowship. As it is not recorded that any competition took place, he was probably the only member of the college duly qualified as to county. He took his bachelor's degree in February 1770. 'An examination 'for a degree at Oxford,' he used to say, 'was a farce in my 'time. I was examined in Hebrew and in History. "What is 'the Hebrew for the place of a skull?" I replied, "Golgotha." '"Who founded University College?" I stated (though, by 'the way, the point is sometimes doubted) "that King Alfred 'founded it." "Very well, sir," said the examiner, "you are 'competent for your degree."'

We have consequently no means of ascertaining how far he became a proficient in the peculiar studies of the place; but, the year following, he won the Chancellor's prize for the best composition in English prose—the subject being, the 'Advantages and Disadvantages of Foreign Travel.' It would be unreasonable to expect any depth of thought on such a subject from an untravelled lad, and the essay is never wanting in good sense; but the style is turgid, and the clumsy construction of the sentences would lead us to infer that Mr Moises had taken less pains with John Scott than with Collingwood, did we not bear in mind how intimately style is connected with character. He who thinks decidedly, will write clearly, if not forcibly; he who has made up his mind what he is going to say, can say it; and the difference between Lord Eldon's and Lord Collingwood's mode of writing, is neither more nor less than that which existed to the last between the energetic Seaman and the hesitating Judge. Lord Eldon's style did not improve materially in after life. It ceased to be turgid, but it never ceased to be confused and ungrammatical. He might have said of grammar what the *roué* Duc de Richelieu said of spelling—'We quarrelled at the outset 'of life, and never made up our differences.'

Mr Twiss, a man of taste, with probably the *Microcosm* in his recollection, hurries over the subject of the essay, pausing neither for extracts nor commendations, but contents himself with recording the delight with which it was received at Newcastle.

It is worthy of note that, five or six years later, the same prize was won by another great lawyer, Lord Tenterden, the subject being 'The Use and Abuse of Satire.' His essay is remarkable for neatness, correctness, and precision, the very qualities by which

he was distinguished in the courts. A still more successful Oxford prize man was Mr Justice Coleridge, who won three prizes (including the prize in question) in one year. Cambridge, however, has always been the favourite University for embryo lawyers, from a notion that the mathematics are better adapted than classics to prepare the mind for forensic reasoning; and on running over the list of wranglers and medallists, we cease to wonder that this notion has gained ground. On that list we find, among many other less known names, those of Law, (the first Lord Ellenborough,) Copley, Tindal, Littledale, Shadwell, Bickersteth, Pollock, Parke, Alderson, Maule, &c. On the other hand, an equal or greater number of eminent judges and advocates never received the benefit of an Oxford or Cambridge education, or made no effort at distinction there. Kenyon, Thurlow, Dunning, Erskine, Scarlett, Gifford, Shepherd, Romilly, with almost all the undisputed leaders of the profession in England at the present moment, belong to one or the other of these two categories. It is, therefore, quite impossible to deduce any general rule from the examples; and those who lay much stress on college honours as an earnest of future eminence, as well as those who make light of them as an indication, are equally at fault.

Neither at school or college was Lord Eldon one of those demure boys who (as Falstaff says) never come to any proof. He was always fond of a frolic, and used to relate with great glee how he aided in cutting down a tree in All-Saints' churchyard, and how often he poached on Lord Abingdon's preserves. He had also no particular liking for work. 'I have now (he said 'late in life) a letter in which Lord Thurlow promised me a com-'missionership of bankruptcy, when it would have been most 'valuable to me in point of income; he never gave it me, and 'he always said it was a favour to me to withhold it. What 'he meant was, that he had learnt (a clear truth) that I was 'by nature very indolent, and it was only want that could 'make me very industrious.'

On another occasion, he wrote as follows to a ward of his Court:—

'You will shortly become entitled to a small property, which will prove to you either a blessing or a curse, according as you use it. It was perhaps fortunate for me that I was not situated in my early life as you are now. I had not, like you, a small fortune to look to. I had nothing to depend upon but my own exertions, and, so far from considering this a misfortune, I now esteem it a blessing; for if I had possessed the same means which you will enjoy, I should, in all probability, not be where I now am. I would, therefore, caution you not to let this little property turn your mind from more important objects, but rather

let it stimulate you to cultivate your abilities, and to advance yourself in society.'

Lord Thurlow carried the doctrine still further. 'Spend your 'own fortune, marry, and spend your wife's, and then you will 'have some chance of succeeding in the law.' Kenyon (to whom this advice has been attributed) and Dunning might be cited as practical examples of the stimulating effects of poverty. They used generally (according to Steevens) 'to dine 'together, in vacation time, at a small eating-house near Chan'cery Lane, where their meal was supplied to them at the 'charge of sevenpence-halfpenny a-head.' Horne Tooke, who frequently made a third, added, in telling this to Steevens— 'Dunning and myself were generous, for we gave the girl who 'waited on us a penny a-piece; but Kenyon, who always knew 'the value of money, rewarded her with a halfpenny, and some'times with a promise.' Erskine often spoke of his wife and children twitching at his gown, and constraining him to exertion. Still, one of the last professions we should recommend to a young man without fortune or connexion, is the law.

Assuming (what, in the present state of the profession, is far from clear) that industry and talent will eventually ensure success, considerable expenses must be incurred at the outset, and many years may elapse before a remunerating income can be calculated on. How is the future attorney-general or judge to keep himself during the intervening period without diverging from the course? The utmost that can be expected is, that he will not imitate the example of a late leader, who used fairly to admit that he had been guilty of sundry breaches of etiquette at starting; but excused himself by saying, that he left off all improper practices the moment he could afford to do without them. The late Lord Abinger was so strongly impressed with the conviction, that independence in point of circumstances was requisite, as well to give the candidate a fair chance as to keep up the respectability of the calling, that at one time he had serious thoughts of proposing a property qualification for barristers. In his opinion, L.400 a-year was the smallest income on which a barrister should begin. He himself had been a gentleman commoner at Trinity College, Cambridge, and when he joined the Northern Circuit, was already in the possession of a handsome income; but this never lessened his interest in his profession, though it enabled him to follow it on liberal principles. Perhaps the most favourable position for a young man of any force of character is, to be sure of a small independence, but to have fortune, position, and the luxuries of life to struggle for.

As for the self-accusation of indolence, it is not at all unusual to find an extraordinary capacity for mental labour combined with an extreme reluctance to undertake it. Dr Johnson, for example, seldom put pen to paper except to get money when he wanted it. He complained that the setting his mind in motion was always attended with pain, though, when it was thoroughly warmed and in full play, the excitement was pleasurable. Perhaps Lord Eldon felt the same; or, to take a more obvious solution, perhaps Lord Thurlow got up the charge as the best excuse for his own breach of promise; and Lord Eldon assented to it, without reflecting that all of us are by nature indolent, if this means that we are frequently disinclined to work.

Be this as it may, he took care to provide himself with the stimulant of necessity. In November 1772, being then twenty-one years and a few months old, he ran away with Miss Surtees, a beautiful girl of eighteen, and married her. Neither of them had a sixpence independent of their parents; and the marriage was equally displeasing to the friends and family of each. 'Jack Scott 'has run off with Bessy Surtees,' exclaimed Mr Moises; 'and 'the poor lad is undone!' He spoke the opinion of Newcastle. At Oxford, Lord Stowell observed to a friend—'I suppose you 'have heard of this very foolish act of my very foolish brother?' The friend expressed a hope that it might turn out better than was anticipated. 'Never, sir; he is completely ruined; nor can 'any thing now save him from beggary.' He was obliged to relinquish his fellowship; but a year of grace remained, during which he had the option of accepting any college living that might come to his turn. During this year he began the study of the law, with the view (to use his own words) of having two strings to his bow. But the church was 'his first mistress;' and it was not until all chance of a college living was at an end, that he decided 'to pursue a profession which had much less of 'his affection and respect.'

It is a curious coincidence, that the two greatest Chancery lawyers of their day should both have been forced into the profession by incidental circumstances. Romilly says, that what principally influenced his decision was, the being thus enabled to leave his small fortune in his father's hands, instead of buying a sworn clerk's seat with it. 'At a later period of my life, after 'a success at the bar which my wildest and most sanguine 'dreams had never painted to me—when I was gaining an 'income of L.8000 or L.9000 a-year—I have often reflected how 'all that prosperity had arisen out of the pecuniary difficulties 'and confined circumstances of my father.'

Wedderburn (Lord Loughborough) began as an advocate at

the Scotch Bar. In the course of an altercation with the Lord President, he was provoked to tell his Lordship that he had said as a judge what he could not justify as a gentleman. Being ordered to make an apology, he refused, and left the Scotch, for the English Bar. What every one thought his ruin, turned out the best thing that could happen to him.

> 'There's a divinity that shapes our ends,
> Rough hew them how we may.'

Lord Tenterden's early destination was changed by a disappointment. When he and Mr Justice Richards were going the Home Circuit, they visited the cathedral at Canterbury together. Richards commended the voice of a singing man in the choir. 'Ah,' said Lord Tenterden, 'that is the only man I ever envied! When at school in this town, we were candidates for a chorister's place, and he obtained it.'

It is now well known that the Duke of Wellington, when a subaltern, was anxious to retire from the army, and actually applied to Lord Camden (then Lord-Lieutenant of Ireland) for a commissionership of customs! It is not always true, then, that men destined to play conspicuous parts in the world, have a consciousness of their coming greatness, or patience to 'bide their time.' Their hopes grow, as their capacity expands, with circumstances; honours on honours arise, like Alps on Alps; in ascending one they catch a glimpse of another, till the last and highest, which was veiled in mist when they started, stands out in bold relief against the sky. Lord Eldon certainly had none of those vague presentiments or proud aspirings which made Nelson, when a captain, exclaim that, some time or other, he would have a gazette to himself. He had little if any imagination; the poetry of his life began and ended with 'Bessy.' During many months after his success was considered certain by his friends, he meditated settling down as a provincial barrister in Newcastle; and a comfortable house in the High Street was his castle in air.

Immediately after the marriage, he writes thus to a friend:—'I have now, Reay, bid adieu to all ambitious projects, because 'my ambition is gratified. Though a husband, I am still so 'much of a lover as to think the world well lost while I retain the 'affections of one woman, the esteem of a few friends, and the 'good wishes of Reay.' This was something more than a mere honeymoon sentiment. A love-match may be either a very silly and selfish action, or a very wise and disinterested one;—the suggestion of a passing fancy, or the result of reflection and self-knowledge. Lord Eldon tells us, that he had literally no alternative but to act as he did, or live in the hourly apprehen-

sion of seeing the only woman who could make him happy forced into a union with another; and as he never repented of his choice, or shrunk from the labour or repined at the privations it entailed upon him, it would be doing him a great injustice to regard his marriage as a mere youthful indiscretion, and the beneficial results as accidents.

The circumstances of the young couple were slender, but not embarrassed. Besides the interest of L.3000, at five per cent, settled upon them, he had an allowance from his father, and occasional aid from other quarters. Still he had to depend upon his own exertions for every thing beyond bare necessaries; and the consciousness of this drove him into the error, common to men of energetic character, of overtasking both his bodily and mental powers to a degree which nearly proved fatal to all his hopes and projects, and partially counteracted the very object he had in view. He became so alarmingly ill, that when he and a travelling companion stopped, late at night, at Birmingham, on their way from Newcastle, in 1774, the cook at the Hen and Chickens insisted on dressing something hot for them, saying she was sure they would neither of them live to see her again. A medical friend remonstrated. 'It is 'no matter,' was the answer; 'I must either do as I am now 'doing, or starve.' We do not see the necessity. A student will learn more in two or three years by judiciously husbanding his strength, than by exhausting it at starting. But this is a truth which no one will condescend to take at second hand; and the consequence is, that our seats of learning are strewed with the wrecks of broken constitutions. Lord Eldon had a narrow escape. The year after his call to the bar, he was obliged to consult Dr Heberden, who sent him to Bath, with an intimation that he must prepare for the worst, unless the waters brought on a fit of the gout within a month. The gout appeared within the allotted period, and he was saved.

It is stated by Mr Townsend, and repeated by Mr Twiss, that he was in the habit of rising at five in the morning, and studying at night with a wet towel round his head; not (like Porson) to allay fever, but to prevent drowsiness. No wonder that his spirits lost their elasticity. In 1775 he apologises for not writing to his brother Henry, because he foresaw 'that a gloomy 'strain of melancholy would sully every page of the sheet.'

We quite agree with a writer in the *Law Magazine*, that no two men above the common level ever acquired their knowledge in the same order, or fixed it by the same method in the memory. One reads a book carefully through; another dips into it at random, reads enough to seize the leading idea, or (as Boswell

says of Johnson) digs out the heart of it, and throws it by. One likes to begin with the elementary parts of a system, and clear away each difficulty as he goes on; another prefers plunging into a mass of heterogeneous matter, for the pleasure of seeing new lights constantly breaking upon him, and in the firm confidence of eventually emerging somewhere, and of being amply rewarded for his adventurous exertions in the end. Any mode of study may be good with relation to the individual, and none are fit for universal adoption. Still it is always curious, and sometimes useful, to know how men of Lord Eldon's *calibre* set to work.

We are not informed what law-book he read first; but he was clearly for strong meat. Lawyers brought up on Blackstone and 'less elegant compilers,' were (in his opinion) like dogs bred in the parlour, unfit for the rough service of the field; and we strongly suspect that he took the bull by the horns, and grappled with Coke upon Littleton at once. Such a feat is not impossible, since Dr Parr read through 'Fearne's Contingent Remainders' as a mental exercise, and expressed himself much pleased with the closeness of the logic. Still, in reading Coke, (a much tougher job than Fearne,) the sage's own warning must have been kept in mind: 'And albeit, the reader shall not at any one day, do 'what he can, reach to the meaning of our author, or of our com-'mentaries; yet let him noway discourage himself, but proceed; 'for on some other day, in some other place, that doubt will be 'cleared.' In 1807, Lord Eldon tells Mr Farrer to read Coke upon Littleton again and again. 'If it will be toil and labour 'to you, and it will be so, think as I do when I am climbing up 'to Swyer or to Westhill, (high grounds at Encombe,) that the 'world will be all before you when the toil is over; for so the 'law world will be, if you make yourself complete master of that 'book. I read Coke on Littleton through, when I was the 'other day out of office, and when I was a student I abridged 'it.' In fact, his Coke, Coke, Coke, was like the *action, action, action* of Demosthenes. One day, when his brother asked him to meet Dr Johnson at dinner, the answer was, 'I dine with Coke 'to-day.' The late Lord Abinger, a greater advocate, though a far inferior judge, drew up a list of books for a law student, at the head of which stands '*Cicero de Officiis*, once, twice, 'thrice, once every year;'—a curious contrast, and a striking illustration of the foregoing remark on the inevitable want of agreement on this subject.

Still scorning the aid of treatises, Lord Eldon appears to have next thrown himself with his whole remaining strength upon the Chancery Reports. Mr Townsend says he acquired such an intimate acquaintance with most of them, that he could tell not merely

the very page in which each of the cases was to be found, but state off-hand the precise points in which they agreed or differed.

It is considered an essential part of legal education in England, for those who intend to practice in the common-law courts, to pass a year at least in the chambers of a special pleader, where the various written proceedings in a cause (the declaration or complaint, the plea, the replication, &c.) are prepared. A year in the chambers of an equity draftsman, to learn the mode of drawing bills and answers, is thought equally indispensable for Chancery barristers. But the prescriptive fee is one hundred guineas per annum; and Lord Eldon gallantly made up his mind to dispense with this description of noviciate altogether. 'How then,' asked Mr Farrer, 'did you acquire 'your knowledge of pleading?' 'Why,' answered Lord Eldon, 'I copied every thing I could lay my hands upon.' He compiled two large volumes of precedents, but lent them to a friend, and could not recollect to whom. In allusion to such borrowers, he observed, that 'though backward in *accounting*, they seemed 'to be practised in *book-keeping*.'

He was so fortunate as to meet with a Conveyancer, who, out of regard for his family and respect for his talents, offered to give him the run of his chambers without a fee. The gentleman in question was Mr Duane, a Roman Catholic, who did all the great Conveyancing of Newcastle and the neighbourhood. Lord Eldon was particularly anxious to be with him, in the hope of profiting by the connexion when he settled in the north, to which he was eagerly looking forward. He remained only six months in Mr Duane's chambers, being unwilling to incur too great an extent of obligation.

'Every man,' says Gibbon, 'who rises above the common 'level, receives two educations—the first from his instructors; 'the second, the most personal and important, from himself.' Almost all Lord Eldon's legal education was from himself, without even the ordinary helps, which he disdainfully flung from him; and of no one could it be more truly predicated, that he was not 'rocked and dandled' into a lawyer.

The time was now approaching when the efficacy of this peculiar mode of training was to be tried. He was called to the bar in February 1776. Mr Bentham, in his 'Indications of Lord 'Eldon,' with somewhat less than his wonted scrupulosity asserts, that 'Mr Scott waited the exact number of years it cost to take 'Troy, and had formed his determination to pine no longer, when 'Providence sent an angel in the shape of a Mr Barker, with the 'papers of a fat suit and a retaining fee.' Mr Scott did not wait more than five years, and was in the full tide of prosperity before

the tenth. The first year was not productive. It was agreed between him and his wife, that whatever he got during the first eleven months should be his, and whatever he got in the twelfth month should be hers. 'What a stingy dog I must have been 'to have made such a bargain! I would not have done so 'afterwards. But, however, so it was: that was our agreement; 'and how do you think it turned out? In the twelfth month, I 'received half a guinea; eighteenpence went for fees, and Bessy 'got nine shillings: in the other eleven months I got not one 'shilling.'

During the second year, the Duke of Northumberland, who had been quartered at Newcastle, and was acquainted with his father-in-law, caused him to be retained in a case before the House of Lords. 'I consider the fee,' said Scott, 'only as a 'handsome way of giving me twenty guineas a-day for walking 'down to the House of Lords.' He had also a general retainer for the corporation of Newcastle, and picked up a brief or two on circuit. Still these were small gains, and, weakened as he was by sickness, he occasionally lost heart. 'Business' (writes the elder brother, William, to the second, Henry) 'is very dull 'with poor Jack—very dull, indeed; and of consequence he is 'not very lively. I heartily wish that business may brisken a 'little, or he will be heartily sick of his profession. I do all I 'can to keep up his spirits, but he is very gloomy.' A whim or fancy—for we cannot believe it to be more—induced him to change his line. Upon Mr Farrer asking him, whether the Court of Chancery had been his object when he was called to the bar, he replied—'Certainly not. I first took my seat in the 'King's Bench; but I soon perceived, or thought I perceived, 'a preference in Lord Mansfield for young lawyers who had 'been bred at Westminster School and Christ Church; and as 'I had belonged to neither, I thought I should not have a fair 'chance, and therefore I crossed over to the other side of the 'Hall. Lord Mansfield, I do believe, was not conscious of the 'bias; he was a good man.' Lord Eldon could have had no opportunity of testing this bias by his own individual experience; and we suspect it existed only in a mind rendered morbidly apprehensive by bodily suffering and disappointment. The change was fortunate; for many years might have elapsed before the stores of Real Property lore, which formed the bulk of his legal knowledge, could have been brought into play in the courts of common law. As things turned out, a speedy opportunity was afforded. Early in the third year occurred the case of Ackroyd v. Smithson, which laid the foundation of his fame.

"Might I ask you, Lord Eldon," said Mr Farrer, "whether Ack-

royd v. Smithson was not the first cause in which you distinguished yourself?"

'"Did I ever tell you the history of that case? Come, help yourself to a glass of Newcastle port, and give me a little. You must know," he went on, "that the testator in that cause had directed his real estates to be sold, and, after paying his debts and funeral and testamentary expenses, the residue of the money to be divided into fifteen parts, which he gave to fifteen persons whom he named in his will. One of these persons died in the testator's lifetime. A bill was filed by the next of kin, claiming, amongst other things, the lapsed share. A brief was given me to consent for the heir-at-law, upon the hearing of the cause. I had nothing then to do, but to pore over this brief. I went through all the cases in the books, and satisfied myself that the lapsed share was to be considered as real estate, and belonged to my client, (the heir-at-law.) The cause came on at the Rolls, before Sir Thomas Sewell. I told the solicitor who sent me the brief, that I should consent for the heir-at-law so far as regarded the due execution of the will, but that I must support the title of the heir to the one-fifteenth which had lapsed. Accordingly, I did argue it, and went through all the authorities. When Sir Thomas Sewell went out of court, he asked the register who that young man was? The register told him it was Mr Scott.' 'He has argued very well,' said Sir Thomas Sewell, 'but I cannot agree with him.' This the register told me. He decided against my client.

'"You see the lucky thing was, there being two other parties, and the disappointed one not being content, there was an appeal to Lord Thurlow. In the meanwhile, they had written to Mr Johnstone, recorder of York, guardian to the young heir-at-law, and a clever man, but his answer was—'Do not send good money after bad; let Mr Scott have a guinea to give consent, and if he will argue, why, let him do so, but give him no more.' So I went into court, and when Lord Thurlow asked who was to appear for the heir-at-law, I rose and said modestly, that I was; and as I could not but think (with much deference to the Master of the Rolls, for I might be wrong) that my client had the right to the property, if his lordship would give me leave I would argue it. It was rather arduous for me to rise against all the eminent counsel. Well, Thurlow took three days to consider, and then delivered his judgment in accordance with my speech; and that speech is in print, and has decided all similar questions ever since."'

As he left the hall, a respectable solicitor, named Foster, came up to him, touched him on the shoulder, and said, 'Young 'man, your bread and butter is cut for life.' He did not think so, or languished for his native town; for when, precisely one year afterwards, the recordership of Newcastle was offered to him, he accepted it, and caused a house to be taken for him there. Then occurred one of these anomalous incidents which can only be referred to luck:—

'"I did not go the circuit one year, Mary," said Lord Eldon to Mrs Foster, "because I could not afford it; I had borrowed of my brother

for several circuits without getting adequate remuneration, and I had determined to quit London, because I could not afford to stay in it. You know a house was taken for me at Newcastle. Well! one morning about six o'clock," (probably on the 14th of March 1781, the committee having been struck on the 13th,) "Mr (afterwards Lord) Curzon, and four or five gentlemen, came to my door and woke me; and when I enquired what they wanted, they stated that the Clitheroe election case was to come on that morning at ten o'clock, before a committee of the House of Commons; that Mr Cooper had written to say he was detained at Oxford by illness, and could not arrive to lead the cause; and that Mr Hardinge, the next counsel, refused to do so, because he was not prepared. 'Well, gentlemen,' said I, 'what do you expect me to do, that you are here?' They answered, 'they did not know what to expect or to do, for the cause must come on at ten o'clock; and they were totally unprepared, and had been recommended to me as a young and promising counsel.' I answered—'I will tell you what I can do; I can undertake to make a dry statement of facts, if that will content you, gentlemen; but more I cannot do, for I have no time to make myself acquainted with the law.' They said that must do; so I begged they would go down-stairs, and let me get up as fast as I could. Well, I did state the facts, and the cause went on for fifteen days. It found me poor enough, but I began to be rich before it was done; they left me fifty guineas at the beginning, then there were ten guineas every day, and five guineas every evening for a consultation—more money than I could count. But, better still, the length of the cause gave me time to make myself thoroughly acquainted with the law."'

According to a scheme for adapting the division of labour to the stage, described by the late Charles Mathews, one actor was to do the action and another to speak the speeches. Hardly less absurd is the practice of one counsel attending to the evidence, and another hurrying in at the end to reply. Yet it existed in Lord Eldon's time as it exists still. At the end of a fifteen days' enquiry, Mr Hardinge presented himself.

'"I saw the members of the committee put their heads together, and then one of them said, 'Mr Hardinge, Mr Scott opened the case, and has attended it throughout, and the committee think, that, if he likes to reply, he ought to do so. Mr Scott, would you like to reply?' I answered, 'That I would do my best.' I began my speech with a very bad joke. You must know that the leading counsel on the other side, Douglas, afterwards Lord Glenbervie, had made one of the longest speeches ever known before a committee, and had argued that the borough of Clitheroe was not a borough by prescription, for it had its origin within the memory of man. I began by saying, 'I will prove to the committee by the best evidence, that the borough of Clitheroe is a borough by prescription; and that it had its origin before the memory of man. My learned friend will admit the commencement of this borough was before the commencement of his speech; but the commencement of his speech is beyond the memory of man; therefore, the borough

of Clitheroe must have commenced before the memory of man.' We were beaten in the committee by one vote. After this speech, Mansfield, afterwards Sir James Mansfield, came up to me in Westminster Hall, and said he heard I was going to leave London, but strongly advised me to remain. I told him that I could not; that I had taken a house in Newcastle; that I had an increasing family; in short, that I was compelled to quit London. Wilson afterwards came to me, and pressed me in the same manner to remain in London, adding what was very kind, that he would ensure me £400 the next year. I gave him the same answer as I had given Mansfield. However, I did remain in London, and lived to make Mansfield Chief-Justice of the Common Pleas, and Wilson a Puisne Judge."'

Until very recently, it was customary for Chancery barristers to go circuit and attend sessions—in short, to beat up for practice in all quarters. Lord Eldon does not appear to have attended any sessions; but, except during one year when funds were wanting, he regularly went the Northern Circuit, and, at two assize towns in succession, was brought forward by the opportune absence of a leader, and a joke. Case the first is thus related by Mr Twiss :—

'The plaintiff was a Mrs Fermor, who sought damages against the defendant, an elderly maiden lady, named Sanstern, for an assault committed at a whist-table. Mr Scott was junior counsel for the plaintiff, and, when the cause was called on, his leader was absent in the Crown court, conducting a government prosecution. Mr Scott requested that the cause might be postponed till his leader should be at liberty; but the judge refusing, there was no help, and Mr Scott addressed the jury for Mrs Fermor, and called his witnesses. It was proved that at the whist-table some angry words arose between the ladies, which at length kindled to such heat, that Miss Sanstern was impelled to throw her cards at the head of Mrs Fermor, who (probably in dodging to avoid these missiles) fell or slipped from her chair to the ground. Upon this evidence, the defendant's counsel objected that the case had not been proved as alleged; for that the declaration stated the defendant to have committed the assault with her hand, whereas the evidence proved it to have been committed with the cards. Mr Scott, however, contended, that the facts were substantially proved according to the averment in the declaration, of an assault committed with the hand—for that, in the common parlance of the card-table, the hand means the hand of cards; and thus that Miss Sanstern, having thrown her cards into Mrs Fermor's face, had clearly assaulted Mrs Fermor with her hand. The court laughed—the jury, much diverted, found the plaintiff's allegations sufficiently proved—and the young counsel had the frolic and fame of a verdict in his favour.'

Case the second is related in the anecdote book :—

'I was at the assizes for Cumberland in seven successive years before I had a brief. It happened that my old friend Mr Lee, commonly called Jack Lee, was absent in the Criminal court, when a cause was called on

in the Civil court; and some attorney, being by that absence deprived of his retained counsel, was obliged to procure another, and he gave me a guinea, with a scrap of paper as a brief, to defend an old woman in an action for an assault brought against her by another old woman. The plaintiff had been reposing in an arm-chair, when some words arising between her and my client, the latter took hold of the legs of the chair, and in fact threw the plaintiff head and heels over the top of the chair. This sort of assault of course admitted of easy proof, and a servant-maid of the plaintiff's proved the case. I then offered in court that a chair should be brought in, and that my old female client should place herself in it, and that the lady (the plaintiff) should overset the chair and my old woman, as she had been upset herself. Upon the plaintiff's attorney refusing this compromise, the witness (the servant-maid) said that her mistress (the plaintiff) was always willing to make up the matter, but that her attorney would never allow her to do so; and that her mistress thought she must do as her attorney bid her do, and had no will of her own. "So then," observed I to the jury, knowing that her attorney's name was Hobson, "this good lady has had nothing for it but Hobson's choice. And pray, then, gentlemen," I added, "as the good woman wants no damages, and the cause is Hobson's, give him but a penny at most, if you please." This penny the jury gave. When I record that in the same assizes I received seventy guineas for this joke, for briefs came in rapidly, I record a fact which proves that a lawyer may begin to acquire wealth by a little pleasantry, who might wait long before professional knowledge introduced him into notice and business.'

He told Mr Spence, the Queen's Counsel, that he was first brought into notice on the Northern Circuit by breaking the Ten Commandments:—

'"I'll tell you how it was. I was counsel in a cause, the fate of which depended on our being able to make out who was the founder of an ancient chapel in the neighbourhood. I went to view it. There was nothing to be observed which gave any indication of its date or history. However, I observed that the Ten Commandments were written on some old plaster, which, from its position, I conjectured might cover an arch. Acting on this, I bribed the clerk with five shillings to allow me to chip away part of the plaster; and after two or three attempts, I found the keystone of an arch, on which were engraved the arms of an ancestor of one of the parties. This evidence decided the cause, and I ever afterwards had reason to remember, with some satisfaction, my having on that occasion broken the Ten Commandments.'"

His first success at Durham was in *Adair* v. *Swinburne*, involving a question of great importance to coal-owners. All the leaders of the circuit were retained; but it was arranged in consultation that Scott should lead the cause, partly because he had been employed in some preliminary proceedings—partly because he had been bred in a coal country—and partly (we cannot help suspecting) because they were apprehensive of the result. When

the defendant's case closed, the judge expressed a decided opinion against Scott's client.

'Said Mr Justice Buller, "You have not a leg to stand upon." Now this was very awkward—a young man—and the Judge speaking so decidedly. However, I said, "My lord, in ninety-nine cases out of a hundred I would sit down upon hearing the Judge so express himself; but so persuaded am I that I have the right on my side, that I must entreat your lordship to allow me to reply; and I must also express my expectation of gaining a verdict." Well, I did reply; and the jury—it was a special jury—Charles Brandling was foreman—retired, and after consulting six or eight hours, they returned, and actually gave the verdict in my favour. When I went to the ball that evening, I was received with open arms by every one. Oh, my fame was established! I really think that I might have married half the pretty girls in the room that night. Never was man so courted. It certainly was very flattering to be so received; but yet it was painful, too, to mark the contrast from the year before. *It certainly was not my fault that I had no cause to lead the year before.*'

In about eight years from his call to the bar, Lord Eldon was in the high-road to its highest honours.

We have minutely detailed his progress at the most critical periods, with a view to a few observations we have to offer regarding the difficulties and chances of the profession; but before venturing on them, it may be as well to strengthen our conclusions by a parallel—to see how many of his great predecessors and contemporaries adopted the same method of study, or got on in the same manner as himself.

Somers flourished a little before the period when legal honours ceased to depend principally upon intrigue and faction. He had made himself useful to his party by some well-written pamphlets, and the young Earl (afterwards Duke) of Shrewsbury was his fast friend; still, when he was proposed as junior counsel for the Seven Bishops, they objected to him as too young (he was then thirty-seven) and too little known. Sergeant Pollexfen insisted on their retaining him, and his speech for the defence laid the foundation of his fame.*

Lord Hardwicke, the son of an attorney, and bred up in an attorney's office, was fortunate enough to obtain the patronage of Lord Macclesfield, and that noble and learned but most unscrupulous personage forced him at once into the front rank of

* *History of the House of Commons.* By W. C. Townsend, Esq., A.M., Recorder of Macclesfield. The first volume of this work contains biographical notices of most of the eminent lawyers of the seventeenth century. An entire chapter is devoted to Somers.

the profession. He was only twenty-nine years of age, and five years' standing at the bar, when he was called up from his *first* circuit to be made Solicitor-General. Having had little or no leading business, it was confidently expected that he would break down; but his talents and knowledge proved fully equal to the extraordinary call made upon them.

Thurlow dashed into practice with the same suddenness, and was indebted for his first lift to patronage; though he certainly did not obtain it by the quality for which Lord Hardwicke was famous—bowing, smiling urbanity. His favourite haunt was Nando's coffeehouse, near the Temple, where a large attendance of professional loungers was attracted by the fame of the punch and the charms of the landlady, which, the small wits said, were duly admired by and at the bar. One evening the *Douglas case* was the topic of discussion, and some gentlemen engaged in it were regretting the want of a competent person to digest a mass of documentary evidence. Thurlow being present, one of them, half in earnest, suggested him, and it was agreed to give him the job. A brief was delivered with the papers; but the cause did not come on for more than eight years afterwards, and it was a purely collateral incident to which he was indebted for his rise. This employment brought him acquainted with the famous Duchess of Queensberry, the friend of Pope, Gay, and Swift, and an excellent judge of talent. She saw at once the value of a man like Thurlow, and recommended Lord Bute to secure him by a silk gown. He was made King's Counsel in 1761, rather less than seven years after his call to the bar. He ran greater risks than Lord Hardwicke, because his business had been hitherto next to nothing; but he had far more of the *vis vivida*, and the unhesitating self-confidence which enables an untried man to beat down obstacles.

Dunning got nothing for some years after his call to the bar, which was about 1756. 'He travelled the Western Circuit,' (says the historian of Devonshire, Mr Polwhele,) 'but had not a single 'brief; and had Lavater been at Exeter in the year 1759, he must 'have sent Counsellor Dunning to the hospital of idiots. Not a 'feature marked him for the son of wisdom.' He was, notwithstanding, recommended by Mr Hussey, a King's Counsel, to the Chairman of the East India Company, who was looking out for some one to draw up an answer to a memorial delivered by the Dutch government. The manner in which Dunning performed this piece of service gained him some useful connexions, and an opportune fit of the gout, which disabled one of the leaders of the western circuit, did still more for him. The leader in question handed over his briefs to Dunning, who made the most of the

opportunity. His crowning triumph was his argument against the legality of General Warrants delivered in 1765. He was indebted for his brief in this famous case to Wilkes, whose acquaintance he had formed at Nando's, the Grecian, and other coffeehouses about the Temple, which, seventy years ago, were still the resort of men of wit and pleasure.

Kenyon rose slowly and fairly through the general impression entertained at the bar of the extent of his legal knowledge; but this impression was nearly twelve years in reaching the brief-bestowing branch of the profession. It has been said that he occasionally supplied Thurlow with law, and was brought forward by him out of gratitude.

Lord Camden (a judge's son, Etonian, and Cantab.) went the Western Circuit for ten or twelve years without success, and at length resolved on trying one circuit more and then retiring upon his fellowship. His friend Henley (Lord Northington) hearing of this determination, managed to get him retained as his own junior in a cause of some importance, and then absented himself on the plea of illness. Lord Camden won the cause and prospered.

Lord Mansfield came to the bar with a high reputation, but it was rather for literary taste, accomplishment, and eloquence, than law. He 'drank champagne with the wits,' as we learn from Prior; and Mr Halliday relates, that one morning Mr Murray was surprised by a gentleman of Lincoln's Inn, who took the liberty of entering his room without the ceremonious introduction of a servant, in the singular act of practising the graces of a speech at a glass, while Pope sat by in the character of a friendly spectator. It is from a couplet of Pope's we learn how he first became known in the profession—

> 'Graced as thou art with all the power of words,
> So known, so honoured, in the House of Lords.'

A piece of bathos thus parodied by Cibber—

> 'Persuasion tips his tongue whene'er he talks,
> And he has chambers in the King's Bench walks.'

He is reported to have said, that he never knew the difference between no professional income and three thousand a-year; and the case of *Cibber* and *Sloper* is specified as his starting-point. The tradition goes, that Sergeant Eyre being seized with a fit, (the God who cuts the knot always comes in this questionable shape,) the conduct of the defence devolved on Murray, who after a short adjournment, granted by the favour of Chief-Justice Lee, made so excellent a speech, that clients rushed to him in crowds. The case was admirably adapted to his abilities, being

an action of *crim. con.* brought by a conniving husband against a weak young man of fortune. But the story is apocryphal at best. There is no mention of the Sergeant's illness in the printed accounts of the trial. On the contrary, a long speech by him is duly reported; and it appears that Murray was the fourth counsel in the cause. He certainly made a speech, and probably spoke well; but we disbelieve the tradition which makes him the hero of the day. *Cibber* v. *Sloper* was tried in December 1738; Pope's lines were published in 1737. How could a man, 'so known, so honoured' for his eloquence, be raised from obscurity by a speech? It was a stepping-stone, not the keystone.

When Lord Loughborough first came to London, he was a constant attendant at the green-room, and associated with Macklin, Foote, and Sheridan, (the father of Richard Brinsley,) who assisted him to soften down his Scotch accent. But the main chance was not neglected. It is stated in Boswell's Johnson, that he solicited Strahan the printer, a countryman, to get him employed in city causes; and his brother-in-law, Sir Harry Erskine, procured him the patronage of Lord Bute. When a man of decided talent and good connexion does not stand on trifles, there is no necessity for speculating on the precise causes of his success.

There is hardly a surviving friend of Lord Erskine's who has not heard the history of his first lucky hit from his own lips. The author of the *Clubs of London* has undertaken to report his very words:—

'I had scarcely a shilling in my pocket when I got my first retainer. It was sent me by a Captain Baillie of the navy, who held an office at the Board of Greenwich Hospital, and I was to show cause in the Michaelmas term against a rule that had been obtained in the preceding term, calling on him to show cause why a criminal information for a libel, reflecting on Lord Sandwich's conduct as governor of that charity, should not be filed against him. I had met, during the long vacation, this Captain Baillie at a friend's table, and after dinner I expressed myself with some warmth, probably with some eloquence, on the corruption of Lord Sandwich as First Lord of the Admiralty, and then adverted to the scandalous practices imputed to him with regard to Greenwich Hospital. Baillie nudged the person who sat next to him, and asked who I was. Being told that I had just been called to the bar, and had been formerly in the navy, Baillie exclaimed with an oath, "Then I'll have him for my counsel!" I trudged down to Westminster Hall when I got the brief, and being the junior of five, who should be heard before me, never dreamt that the court would hear me at all. The argument came on. Dunning, Bearcroft, Wallace, Bower, Hargrave, were all heard at considerable length, and I was to follow. Hargrave was long-winded, and tired the court. It was a bad omen; but, as my good

fortune would have it, he was afflicted with the strangury, and was obliged to retire once or twice in the course of his argument. This protracted the cause so long, that, when he had finished, Lord Mansfield said that the remaining counsel should be heard the next morning. This was exactly what I wished. I had the whole night to arrange in my chambers what I had to say the next morning, and I took the court with their faculties awake and freshened, succeeded quite to my own satisfaction, (sometimes the surest proof that you have satisfied others;) and as I marched along the Hall after the rising of the judges, the attorneys flocked around me with their retainers. I have since flourished, but I have always blessed God for the providential strangury of poor Hargrave.'

In a more particular, and apparently more accurate, note of the same story, taken by an eminent poet, it is stated that the other counsel proposed a compromise at consultation; that Erskine stood out, and that Baillie flung his arms round his neck in a transport of grateful confidence. According to this note, the number of retaining fees which Erskine said he carried home was sixty-two. Now, retaining fees are usually paid to the clerk at chambers; but, taking the statement to mean nothing more than that business came in very rapidly in consequence of the speech, still we must be pardoned for suggesting that the reports of the period do not bear out the supposition; and that the speech, excellent as it was, was not of the sort to win the confidence of attorneys, particularly those parts which brought him into collision with the court. The effect in our day would strongly resemble that produced by Alan Fairford in the case of Peebles and Plainstanes:—'The worst of the whole was, that 'six agents who had each come to the separate resolution of 'thrusting a retaining fee into Alan's hand as he left the court, 'shook their heads as they returned the money into their 'leathern pouches, and said, "That the lad was clever, but 'they would like to see more of him before they engaged him 'in the way of business."'

He was next engaged to draw up Admiral Keppel's defence, which was spoken by the Admiral. For this service he received a bank-note for L.1000, which he ran off to flourish in the eyes of his friend Reynolds, exclaiming, '*Voilà* the nonsuit of cow-beef!' He was employed in two or three other cases of public interest on account of his naval knowledge, and the extraordinary powers he displayed in them speedily led to a large general business. It is now acknowledged that Erskine's best quality was the one ordinary observers would be least likely to give him credit for—sagacity in the conduct of a cause.

Sir William Jones made his forensic *debut* about the same time as Erskine, though, according to the account given in Miss

Hawkins's 'Memoirs,' on her brother's authority, without producing an equally favourable impression. He spoke for nearly an hour, with great confidence, in a highly declamatory tone, and with studied action; impressing all present, who had ever heard of Cicero or Hortensius, with the belief that he had worked himself up into the notion of his being one or both of them for the occasion. Being little acquainted with the bar, he spoke of a case as having been argued by 'one Mr Baldwin,' a gentleman in large practice sitting in the first row. This caused a titter; but the grand effect was yet to come. The case involved certain family disagreements, and he had occasion to mention a governess. Some wicked wag told him he had been too hard upon her; so, the day following, he rose as soon as the judges had taken their seats, and began in the same high tone and with both hands extended—'My Lords, 'I have been informed, to my inexpressible mortification and 'regret, that, in what I yesterday had the honour to state to 'your Lordships, I was understood to mean to say that Miss '—— was a harlot.' He got no further: *solvuntur risu tabulæ;* and, so soon as the judges could speak for laughing, they hastened to assure him that no impression unfavourable to Miss ——'s morals had been made upon the court. Notwithstanding this inauspicious commencement, and his fondness for literature, Jones obtained a fair share of business. His *Essay on Bailments* is considered the best written English law-book on a practical subject. None can be placed alongside of it, for style and method, except Sergeant Stephen's *Treatise on the Principles of Pleading.*

Lord Ellenborough pursued the most laborious path to distinction. He practised several years as a special pleader, and joined the Northern Circuit with a formed connexion. He first rose into fame by his defence of Warren Hastings, who employed him at the instance of Sir Thomas Rumbold, a connexion of the Law family.

A Memoir of Sir Samuel Shepherd by his son, gracefully written and abounding in fine observations, appeared in the fifty-second Number of the *Law Magazine,* (1841.) His rise is thus described:

'For the first two or three years his advancement was slow, but gradual; it was not long, however, before good fortune or undeviating attention brought him into greater notice.

'Two of his earliest arguments of any importance, for which he had made copious notes, were called on successively upon the same day. In the first he was much embarrassed; at the commencement of the second he fortunately dropped his papers, which became displaced and useless; this obliged him to trust to his memory, which did not fail him, for the

cases previously collected; his eye was thus unshackled from that constant reference to notes, so often injurious to the effect of a good argument, and being thrown upon his own resources, his manner, naturally excellent, became more free and impressive, and he received a great compliment from Lord Mansfield at the conclusion of the argument. The court, too, suspended the judgment they were about to pronounce against him, and which they afterwards pronounced upon further deliberation. From this time he came into full practice, as appears by the frequent recurrence of his name in the reports of that period.'

The chief-justiceship of the Queen's Bench and that of the Common Pleas were by turns pressed upon Sir Samuel Shepherd; but he refused both on account of his deafness, principally because he should be obliged to sit alone as a Criminal Judge during circuit. Lord Kenyon took a strong fancy to him, saying, 'I like Shepherd, there is no rubbish in his head.' *

Romilly's account of his own early life is replete with useful hints. After describing the circuit mode of life, he says—

'This sort of amusement, however, was for a considerable time the only profit that I derived from the circuit. Many of the barristers upon it had friends and connexions in some of the counties through which we passed, which served as an introduction of them to business; but for myself, I was without connexions every where, and at the end of my sixth or seventh circuit I had made no progress. I had been, it is true, in a few causes; but all the briefs I had had were delivered to me by London attorneys, who had seen my face in London, and who happened to be strangers to the juniors on the circuit. They afforded me no opportunity of displaying any talents, if I had possessed them, and they led to nothing; I might have continued thus a mere spectator of the business done by others, quite to the end of the sixteen years which elapsed before I gave up every part of the circuit, if I had not resolved, though it was very inconvenient to me on account of the business which I began to get in London, to attend the quarter sessions of some midland county. There is, indeed, a course by which an unconnected man may be pretty sure to gain business, and which is not unfrequently practised. It is to gain an acquaintance with the attorneys at the different assize towns, to show them great civility, to pay them great court, and to affect before them a display of wit, knowledge, and parts. But he who disdains such unworthy means, may, if he do not attend the quarter sessions, pass his whole life in travelling round the circuit, and in daily attendances in court, without obtaining a single brief. *When a man first makes his appearance in court, no attorney is disposed to try the experiment whether he has any talents; and when a man's face has become familiar by his having been long a silent spectator of the business done by others, his not being employed is supposed to proceed from his incapacity, and is alone considered as sufficient evidence that he must have been tried, and rejected.*'

Under this conviction, he joined the Warwick sessions, where the bar happened to be neither strong nor numerous, and soon

got into business; which led, as he anticipated, to business on the circuit. He was gradually acquiring, during the same period, a large practice in Chancery; but his *debut* there was unlucky. He grew so nervous and confused, that his old master, Lally, prognosticated a complete failure.

At the present moment, the bench and bar might furnish a long list of distinguished men of all grades of talent and knowledge; yet we should be puzzled to name one who sprung into great practice at a bound; and it is a remarkable fact that most of the leading barristers are past forty years of age, and few of less than twenty years' standing in the profession. This justifies a suspicion, that the effect of lucky hits is somewhat over-estimated in the traditional instances. Mr Twiss, however, thinks that a change has taken place in the constitution of the body, which may account for the difference.

'The two well-employed opportunities of *Ackroyd* v. *Smithson* and the *Clitheroe Petition*, had left the success of Mr Scott a matter no longer doubtful. At the present day, from the great competition of very learned and very able practitioners, a few occasional opportunities do little, however they be improved. Among the more influential class of attorneys and solicitors, it has become usual to bring up a son, or other near relation, to the bar,* who, if his industry and ability be such as can at all justify his friends in employing him, absorbs all the business which they and their connexion can bestow; and the number of barristers, thus powerfully supported, is now so great, that few men lacking such an advantage can secure a hold upon business. But at the time when Mr Scott began his professional life, the usage had not grown up of coming into the field with a "following" already secured. Education being less general, fewer competitors attempted the bar; and, even among the educated classes, a large portion of the adventurous men devoted themselves to naval and military pursuits, which have now been deprived of attraction by a peace of more than a quarter of a century. In those days, therefore, it might well happen, as with Mr Scott it actually did, that a couple of good opportunities, ably used, would make the fortune of an assiduous barrister in London.'

We do not believe the constitution of the bar is much altered; but its effective members have been more than trebled in number within living memory; while equity business has not more than doubled, and common law business has positively decreased. Mr Shepherd says, that when Sir Samuel began attending the King's Bench, there were but three rows of seats, and they were rarely full. It is stated by Mr Townsend, and repeated by

* It would be nearer the truth to say, that attorneys and solicitors now belong to the class from which the bar is principally recruited.

Mr Twiss, that the number of counsel regularly practising at the Chancery Bar when Lord Eldon joined it, was only twelve or fifteen. The cause lists at Guildhall are not half the length they used to be. The late Sir Albert Pell told the present writer, that when he joined the Western Circuit the number of barristers did not average above twenty-five, and it was an understood thing among the leaders to procure every new-comer a chance. The number now exceeds fifty; the cause lists are shorter than they were in his time; and all sympathy is at an end. Besides the fear of litigation, (which has now grown into something more than a proverbial saw, which every one repeated and no one acted on,) there are plain, specific causes for the change. The most profitable part of sessions practice (Appeals) received its death-blow from the new Poor-Law; and the improvements effected by the Common-Law Commissioners, (for which the public are indebted to Lord Brougham,) nip in the bud a vast number of lawsuits, which, under the old system, would have gone on to trial and borne briefs.*

It may be taken, therefore, as an established truth, that there are fewer prizes and more blanks in the lottery. But is the mode of drawing altered? In our opinion, very little. If a man has connexions, he is pushed on at starting. If he has not, he must wait. It was always thus; and it is clear, from Lord Eldon's many opportunities, that he did not want backers. We see the increasing difficulties that beset the modern candidate; but it strikes us that attorneys' sons and relations must suffer as much from the general crowding as the rest. Their proportional advantage is obviously diminished by competitors of the same class; and, as a matter of fact, we do not find that the avenues are blocked up by them. Three out of four of the present judges and leading counsel are not sons or near relations of attorneys; and, could the private history of each of these be read, it would appear that there is still a large field for knowledge and capacity. In most instances, it would be found that they availed themselves of some fortunate opportunity to establish a name, and gradually dropped into business as others dropped

* When a defendant was at liberty to plead the general issue—*i. e.* a broad general denial of the demand—the parties frequently came into court in entire ignorance of the precise point in dispute; and as technical objections were also allowed *ad libitum*, there was always a chance of defeating a claim by an unforeseen objection or defence. Under the new mode of pleading, they are compelled to arrive at a precise issue; each considers whether he can support his allegation by evidence; and the one who finds he cannot, gives in.

off. Legal promotion, like military, depends on deaths and other vacancies. It is very seldom indeed that an established leader is displaced; what the lucky hit does, is simply to indicate the successor.

At the same time, it is absurd to say that merit is sure to be appreciated if the aspirant will bide his time; for the time may never come, or come too late—when his faculties have been deteriorated by disuse, and his spirit is broken by disappointment—when 'all he had wished to please have sunk into 'the grave, and success and miscarriage are empty sounds.' What is to ensure him even the few occasional briefs which are absolutely necessary to enable him to profit by the grand opportunity when it does come?—for the management of causes is not to be learned by mere observation or reflection; some practice is indispensable; and there is much that is merely technical, almost mechanical, in the arts of advocacy. In the front rank, competition is more open, and merit generally decides; but the difficulty is to clear the intervening shallows and get fairly afloat. A man who has merit without connexion, will not be employed till he is known; and he can hardly be known till he is employed.

Yet it may be that nobody is to blame, neither the attorney for not choosing, nor the barrister for not being chosen. When there is not enough for all, some must starve. An overstocked profession is like a crew trying to save themselves upon a raft scarcely large enough to carry half of them; or like the inmates of the Black Hole at Calcutta, where all who could not get near the aperture in the wall were suffocated—the survivors owing their safety as much to position and selfishness, as strength. Erskine once declared in Parliament, that 'success oftener 'depended upon accident, and certain physical advantages, than 'upon the most brilliant talent and the most profound erudition.' A high-spirited and popular leader lately illustrated the matter thus:—'When I look round on my competitors, and consider 'my own qualifications, the wonder to me is, how I ever got to 'the place I now occupy. I can only account for it, by comparing 'the forensic career to one of the crossings in our great thorough-'fares. You arrive just when it is clear, and get over at once; an-'other finds it blocked up, is kept waiting, and arrives too late at 'his destination, *though the better pedestrian of the two.*' Does it not sometimes (certainly not in this gentleman's case) resemble the Strand on Lord Mayor's Day? Those who, like Swift's fat man in the crowd, do not mind what fuss they make, whose toes they tread on, to what extent they splash themselves, or how many quiet people they thrust off the pavement, or against the wall, always clear the press soonest, and get first to Charing Cross or Temple Bar.

According to Mr Sergeant Talfourd, the undisputed leader of his circuit, 'mere stupidity, accompanied by a certain degree 'of fluency, is no inconsiderable power. It enables its posses- 'sor to protract the contest long after he is beaten, because 'he neither understands his own case, nor the arguments by 'which he has been answered. It is a weapon of defence, behind which he obtains protection, not only from his adversaries but from the judge. If the learned person who presides, wearied out with endless irrelevancies, should attempt to stop him, he will insist on his privilege to be dull, and obtain the admiration of the audience by his firmness in supporting the rights of the bar. In these points, a sensitive and acute advo- 'cate has no chance of rivalling him in the estimation of the 'bystanders.'

Here is Romilly's sketch of the leader of his circuit when he joined:—'Next to him (Sergeant Hill) in rank, 'but far before him in business, and indeed completely at the 'head of the circuit, stood ——; who without talents, without 'learning, without any one qualification for his profession, had 'by the mere friendship, or rather companionship, of Mr Justice '——, obtained the favour of a silk gown; and by a forward 'manner, and the absence of commanding abilities in others, 'had got to be employed in almost every cause. The merits of 'a horse he understood perfectly well; and when in these, as 'sometimes happened, consisted the merits of a cause, he ac- 'quitted himself admirably; but in other cases nothing could 'be more injudicious than his conduct. In spite, however, of 'his defects, and notwithstanding the obvious effects of his mis- 'management, he continued for many years, while I was upon 'the circuit, in possession of a very large portion of business.'

There was truth as well as *fun* in the late James Smith's induction. 'The *élite* of our universities, with the most promis- 'ing recruits from all classes, are sent almost as a thing of course 'to the bar. The most distinguished of these, therefore, may 'fairly be regarded as the most distinguished of their contempo- 'raries. Now, I remember when —— and —— (naming two 'gentlemen not remarkable for refinement or cultivation) were 'at the head of the practising members of the profession. It 'follows that —— and —— were the very cream of intellect, 'the most favourable representatives of the wit, learning, and 'eloquence of their age.'

One of these boasted that, from the hour he left school, he had never opened any book but a law book. Sir Vicary Gibbs confessed to having read two unprofessional publications; one being 'Damberger's Travels,' which he had actually indexed. In his

case the exclusive mode answered, *i. e.* he became a successful lawyer of the technical narrow-minded sort; but when the example is recommended for general adoption, we are tempted to exclaim with Chief-Justice Bushe:—'Such a man depreciates the genius 'which he does not possess, and overrates the handicraft he is equal 'to; he would sheer a splendid profession of its beams, and cut it 'down to trade. But I will not believe that the profession I pre-'ferred, because I thought it the most liberal, is such a low 'mechanic craft as this. I will not give up the Burghs, and the 'Erskines, and the Currans of the profession, to those fair juris-'prudents and learned applicants of the law, who scorn the genius 'that scorns them.'

We also take liberty to suggest, that clear arrangement, correct language, familiarity with the topics of the day, some power of illustration, and some acquaintance with the elementary parts of the popular sciences, are not unreasonably expected from the members of a learned profession; which, dealing by turns with every branch of human knowledge, brings by turns every faculty, talent, and accomplishment, into play. We have heard a libel case laughed out of court by a happy allusion to the Vicar of Wakefield: in order to fix the meaning of the words, 'entertainment of the stage,' in an Act of Parliament, (10 Geo. II. c. 28,) it became necessary to review the dramatic literature of the period: the arguments regarding Lady Hewley's charity turn on the nicest points of theological controversy and biblical criticism: the Chancellor has just decided a case which depended on art and connoisseurship; and almost every patent case involves some new discovery in chemistry or mechanics. It would, therefore, be no reflection on a lawyer to say, with the change of a word, what was wittily said of a celebrated Cambridge Professor, that science (read, *law*) is his forte, and omniscience his foible. Without that readiness of apprehension, which nothing but extended cultivation can perfect, he is not safe a moment. Lord Eldon (who, however, once announced from the bench in the Court of Chancery that he had been reading 'Paradise Lost' during the long vacation) took avowedly the means he thought best adapted to gain a speedy competence, and never thought of playing the great game till it was forced upon him. He then suffered greatly from the want of liberal knowledge and a more cultivated taste.

Examples of a different tendency may be mentioned; but, speaking from our own observation, we should say, that it is not the literature that does harm, but the reputation for it. A serjeant who knows three times as much law as a learned brother who knows nothing else, may be reputed the worse lawyer of the

two; but not unless he gives his literary pursuits a turn calculated to attract attention; and then he is compensated in fame.

In Wilberforce's Diary is this entry:—'Saw Lord Eldon, 'and had a long talk with him on the best mode of study for the 'young Giants to be lawyers. The Chancellor's reply was not 'encouraging:—"I have no rule to give them, but that they 'must make up their minds to live like a hermit, and work like 'a horse."' At first, we incline to think, he must—or rather that little is to be expected from students who do not do so of their own accord; but happily the hermit and horse period need not be long, or it would be better to turn galley-slave. 'Let 'a man do all he can in any one branch of study, he must exhaust himself and doze over it, or vary his pursuit, or else be 'idle. All our real labour lies in a nutshell. The mind makes 'at some period or other one Herculean effort, and the rest is 'mechanical. We have to climb a steep and narrow precipice 'at first, but after that the way is broad and easy, where we may 'drive several accomplishments abreast.' * As to the overwhelming labour of the profession *when it has been learned*, the late Lord Abinger used to boast that he dined out every day during the whole of a long Guildhall sittings; and lawyers in full business spend evening after evening in the House of Commons.

To bring this topic to a conclusion—as we run over the foregoing list of examples, nothing strikes us more than the variety of plans of study, modes of life, kinds of talent, and degrees of industry, presented by it. Thurlow at Nando's, and Wedderburn in the green-room; Murray before the looking-glass, and Eldon with the wet towel round his head; a judge's son (Camden) neglected for twelve years, and an attorney's (Hardwicke) fairly forced into the Solicitor-Generalship in five; Kenyon loving law, and Romilly detesting it; Dunning brought forward by an East India director, and Erskine by an old seaman;—such things set all speculation at defiance, or bring us back at last to the sage remark of Vauvenargues, that 'every thing may be looked 'for from men and from events.'

* *Hazlitt's Plain Speaker*, vol. i. p. 142. Mr Charles Butler tells us that Fearne, the author of the 'Essay on Contingent Remainders,' was profoundly versed in medicine, chemistry, and mathematics—had obtained a patent for dyeing scarlet—and written a treatise on the Greek accent. The period of life at which students impair their health by study is generally from eighteen to twenty-five.

It is related in the 'Anecdote Book,' that during the formation of the coalition government Mr Fox called on Lord Thurlow, and requested him to retain the Great Seal. Lord Thurlow refused, and it was then put into commission;—the Lords Commissioners being Lord Loughborough, then Chief-Justice of the Common Pleas, Mr Justice Ashburst, and Mr Baron Hotham. With the view of gratifying some friends of the new government, the Lords Commissioners were authorized to confer a limited number of silk gowns, and it was found impossible to pass over Mr Scott. He received a message from the Duke of Portland, (the Premier,) offering to include him in the list. After some hesitation he accepted the offer, saying that he felt honoured and gratified in doing so. This was on the Wednesday. On Thursday he learned that Erskine and Pigott, his juniors at the bar, were also to have silk gowns, and were to be sworn in on the Friday, the day before himself, which would have given them precedence. He instantly wrote to retract his acceptance; and, on being called before the Commissioners, steadily persevered in refusing to waive his professional rank for any one.

'One of them said, Mr Pigott was senior at the bar to Mr Erskine, and yet he had consented to let Mr Erskine take precedence of him. I answered—"Mr Pigott is the best judge for himself: I cannot consent to give way, either to Mr Erskine or Mr Pigott." Another said, "Mr Scott, you are too proud."—"My lord, with all respect, I state it is not pride: I cannot accept the gown upon these terms." After much difficulty, and particularly as the patents of Erskine and Pigott had passed the seal, the matter seems to have been arranged; for on the Saturday I received a patent, appointing me to be next in rank to Peckham, and placing Erskine and Pigott below me, though in fact both of them had been sworn in the day before me; and that patent I have to this day. "Did you think," said Mr Farrer to him, "that it was so important to insist upon retaining your rank?"—"It was every thing," he replied, with great earnestness; "I owed my future success to it."'

Though Premiers interfere occasionally, this kind of promotion is considered to depend altogether on the possessor of the Great Seal; and Lord Eldon was afterwards strongly censured for his mode of dispensing it. To enable the reader to form his own opinion, and also to enter into the spirit of the foregoing passage, we will briefly explain the nature of professional rank.

A barrister who is made King's (now Queen's) counsel, or who receives a patent of precedence, sits in the front row (within the bar,) wears a silk gown instead of a stuff one, is made a bencher of an Inn of Court, and takes precedence of the rest of the bar,

and next after his immediate senior of the same grade. Originally the King's counsel were the salaried counsel of the crown; but since the increase in number (rendered necessary by the increase of the profession and the courts) the salary has been discontinued, and they may now be regarded simply as the field-officers of the law. Independently of the honour, the advantage (or disadvantage) of a silk gown is, that it puts the wearer in the best position for leading causes; for, according to the etiquette of the English bar, the client cannot fix the order in which his counsel shall be heard, or assign them parts adapted to their capacity. This is regulated by seniority. Captain Baillie, for example, could not have said, 'Mr Erskine has eloquence and 'spirit, and is fully master of my views. He shall lead my case. 'Mr Hargrave is a sound lawyer, but a bad speaker. Let him 'keep in the background, and supply Mr Erskine with authori-'ties.' In this instance the strangury set matters right; but we remember an instance in which Lord Brougham was intended to lead a libel case; immediately before the trial it was discovered that the other counsel retained (a mere special pleader) was his senior, and the mistake proved irremediable.

This patronage, therefore, is a delicate matter as regards the distribution of business. It is not less so as regards the character of the profession; for the Chancellor is thereby enabled to distinguish those who reflect credit on it.

It is undeniable that Lord Eldon discharged the silk-distributing duty of his office very badly. His political prejudices, and his habits of procrastination, proved equally mischievous. The late Lord Abinger, Lord Brougham, and Lord Denman were proscribed—Sir Charles Wetherall postponed. A lame attempt is made in the 'Anecdote Book' to defend the proscription of Lord Brougham; on the ground that, in consequence of the line he took on the Queen's Trial, the appointment was personally offensive to George IV. But it was Lord Eldon's duty to resist such a prejudice, and resign rather than be responsible for it. What becomes of the privileges of the bar, if an advocate is to be subjected to this sort of proscription for discharging his duty fearlessly? or what becomes of ministerial responsibility, if the minister may fall back on the caprices of the King? Had Lord Eldon shown himself in earnest, George IV. would not have refused to him what he granted at once to Mr Canning.

In the case of Lord Abinger a great injustice was done, and a great injury inflicted, without the shadow of an excuse. He would have been undisputed leader of the Northern Circuit six or eight years sooner, had he received his rank when he was first entitled to it. He and Sir Charles Wetherall had been more

than twenty-five years at the bar when they were promoted; Lord Eldon about seven, and he was senior to Erskine and Pigott.

There can be no doubt that the principal object of the move was to oblige Erskine; and Lord Eldon stood out for his rightful precedence, from a belief that a concession might be regarded as an avowal of inferiority.

A few days after he received his silk gown he was elected for Weobly, a borough in the patronage of Lord Weymouth, to whom he was recommended by Lord Thurlow; it being expressly stipulated that he was not to be bound by the opinions of the patron. Erskine was elected for Portsmouth, on the Government interest. They took their seats at the same time, made their maiden speeches the same night, and were simultaneously voted fresh illustrations of the saying, that lawyers do not succeed in Parliament. But it strikes us that this saying is in one sense a truism, and in every other false. It is true that all eminent lawyers do not become equally eminent in Parliament; but may not the remark be extended to other orders and classes? Do historians, essayists, poets, wits, metaphysicians, invariably sustain their reputation? Witness Gibbon, Addison, Byron, George Selwyn, David Hartley. Does the country gentleman retain his relative importance? Is the merchant as influential as upon 'Change? The scene is shifted; the required talent is different; the public is a wider public; the competition is indefinitely increased. Because a lawyer excels Peckham and Pigott in the Court of King's Bench, he is expected to excel or equal Pitt, Fox, Burke, and Sheridan in the House of Commons! Nay, he is to prove a match for the best of them, with one hand tied behind him. After a morning spent in an exhausting contest before judges or juries, and an afternoon in consultations, with hardly a moment to prepare himself, he is to encounter first-rate debaters fresh from their clubs, who have spent their whole lives in the political atmosphere, and given their full attention to the subject of the night. Suppose, at the end of one of the grand party conflicts, prolonged till daylight, Erskine had said to Fox, 'Now, come across the Hall and defend Hardy. You know the case as well as I do, and there are no technicalities involved in it.' Would Fox have sustained the reputation acquired by such speeches as that on the Westminster scrutiny? Would he have delivered any thing at all approximating in effect to Erskine's famous speech for the defence, which stands like a landmark in history? The truth is, unrivalled pre-eminence (like Erskine's) in one walk, implies a peculiar kind of genius or combination of qualities, and renders equal

pre-eminence in another almost impossible. There is no instance on record (unless Michael Angelo be one) of the same man's standing *on the very apex* of two arts, sciences, professions, or pursuits, even those more congenial than politics or law; yet we do not complain that the greatest Chemist is not the greatest Botanist, nor gravely lay down as an axiom that Painters do not succeed in Poetry. Even if we adopt Dr Johnson's notion, that genius is nothing more than great general powers of mind capable of being turned any way, and admit that 'a man who 'has vigour may walk to the east just as well as to the west;' still, a man cannot walk as far both ways, or cover as much ground, as two men of much inferior vigour, each taking his line and keeping to it.

The real wonder, therefore, is, or ought to be, how so many lawyers have succeeded; for the list is a highly respectable one. Somers was the constitutional and parliamentary organ of his party. Murray was regularly pitted against the Great Commoner. 'They alone' (says Lord Chesterfield) 'can inflame 'or quiet the House; they alone are attended to in that nume'rous and noisy assembly, that you may hear a pin fall while 'either of them is speaking.' Lord North is described by Gibbon as placing his chief dependence on Thurlow and Wedderburn. Dunning was an excellent debater. Fox himself grew anxious when he had to answer Sir William Grant; and the present Lord Lansdowne (then Lord Henry Petty) was the only speaker who ever completely did away the effect of one of his best speeches (on the Orders in Council) by a reply. It was hardly possible to fill a prouder position in Parliament than Romilly. Dundas had been Lord Advocate, and Perceval Solicitor-General. Mr O'Connell was at one time the undisputed leader of the Irish bar. Lord Plunkett was quite perfect as a debater. Sir William Follett, Sir Thomas Wilde, and Mr Pemberton Leigh, have surely succeeded in the House of Commons; while Lord Brougham and Lord Lyndhurst are not generally thought to have failed in either House.

The list might be indefinitely extended, if we included those who (like Lord Eldon) were always equal to their work, though they acquired no distinctive reputation as speakers; or those who have risen to eminence after going through the training of the bar, like Pitt and Tierney, who both went the Western Circuit. But we have not shrunk from the common mode of arguing the question, palpably unfair as it is; according to which, no one is to count who has not been occupied during the best portion of his life with law, and expended his best energies on it.

It was said of Sheridan, when he delayed writing another

comedy, that he was afraid of the author of 'The School for Scandal.' Erskine, when he rose to speak, might reasonably have stood in awe of the advocate who defended Lord George Gordon. It was his own reputation that bore him down; and one of the first of living authorities on such a subject, Lord Brougham, thinks that his parliamentary talents were underrated, and that, had he appeared at any other period, and given more attention to the practice, 'there is little chance that he 'would have been eclipsed even as a debater.' This could not be said of Mr Scott. His high reputation for legal knowledge ensured attention when he spoke, but nothing could be worse than the taste and style of his early speeches.

He broke ground in opposition to the famous East India Bill, and began with his favourite topic, the honesty of his own intentions, and the purity of his own conscience:—

'He spoke in respectful terms of Lord North, and more highly still of Mr Fox; but even to Mr Fox it was not fitting that so vast an influence should be intrusted. As Brutus said of Cæsar—

———" he would be crown'd!
How that might change his nature,—there's the question."

It was an aggravation of the affliction he felt, that the cause of it should originate with one to whom the nation had so long looked up; a wound from him was doubly painful. Like Joab, he gave the shake of friendship, but the other hand held a dagger, with which he dispatched the constitution. Here Mr Scott, after an apology for alluding to sacred writ, read from the book of Revelations some verses which he regarded as typical of the intended innovations in the affairs of the English East India Company:—" 'And I stood upon the sand of the sea, and saw a beast rise up out of the sea, having seven heads and ten horns, and upon his horns ten crowns. And they worshipped the dragon which gave power unto the beast; and they worshipped the beast, saying, Who is like unto the beast? who is able to make war with him? And there was given unto him a mouth speaking great things; and power was given unto him to continue forty and two months.' Here," said Mr Scott, "I believe there is a mistake of six months—the proposed duration of the bill being four years, or forty-eight months.—'And he caused all, both small and great, rich and poor, free and bond, to receive a mark in their right hand, or in their foreheads.'—Here places, pensions, and peerages are clearly marked out.—'And he cried mightily with a strong voice, saying, Babylon the Great'—plainly the East India Company—'is fallen, is fallen, and is become the habitation of devils, and the hold of every foul spirit, and the cage of every unclean and hateful bird.'"'

He read a passage from Thucydides to prove that men are more irritated by injustice than by violence, and described the country crying out for a respite, like Desdemona—

'Kill me to-morrow—let me live to-night—
But half-an-hour!'

This strange jumble was well quizzed by Sheridan, and Mr. Scott appears to have found out that rhetorical embellishment was not his line; for his subsequent speeches are less ornate. They were not always plain, however, in the full sense of the word, and he was never cured of the habit of talking of his conscience.

In the squibs of the period, their obscurity forms the point of the jokes levelled at him. Thus, among the pretended translations of Lord Belgrave's famous Greek quotation, the following couplet was attributed to him:—

'With metaphysic art his speech he plann'd,
And said—what nobody could understand.'

He was certainly too much given to refining and distinguishing; but a lawyer speaking principally on legal subjects, will frequently, without any fault of his, be unintelligible to a shifting and impatient audience like the House of Commons. His opinion, however, was always duly appreciated, and he took care not to impair its value by lending it for party purposes. In the affair of the Westminster scrutiny, he considered the high bailiff to be acting contrary to law in delaying the return, and said so in the House. Fox showed his sense of this highly commendable act of candour, by the tone of respectful courtesy in which he invariably alluded to him.

In 1788, Lord Mansfield resigned the Chief-Justiceship of the King's Bench; Lord Kenyon, then Master of the Rolls, succeeded him; Sir R. P. Arden, (Lord Alvanley,) then Attorney-General, succeeded Lord Kenyon; the Solicitor-General (Macdonald) became Attorney-General; and the Solicitor-Generalship was conferred upon Mr (who thereupon became Sir John) Scott. The story goes that he did not wish to be knighted; but the King said, 'Pooh, pooh! you must be served like the rest,' and knighted him. Mr Twiss says that the ceremony had not then become a matter of course, and that he was really taken by surprise.

The value of such a coadjutor was soon experienced by Mr Pitt. In the Regency debates of 1789, the brunt of the discussion was sustained by the Solicitor-General. Shortly after the King's recovery, he was requested to attend at Windsor, and in the personal interview that followed, the King told him 'he had no other business with him than to thank him for 'the affectionate fidelity with which he adhered to him when so 'many had deserted him in his malady.' The report that Lord

Thurlow was of the number, is discountenanced in the 'Anecdote Book.' But it is stated that several of the King's friends thought it very desirable, for the King's sake, that Lord Thurlow should continue Chancellor, and possibly that noble person thought it no less desirable for his own. A trifling incident, remarked at the time, was calculated to excite suspicion. When one of the Cabinet Councils, held at the Queen's house, broke up, and the ministers rose to depart, Lord Thurlow's hat was missing. After a fruitless search in the ordinary place, it was brought by a page, who said he had found it in the Prince's apartment, where the Chancellor, it seems, had left it, though he had no ostensible business there, and had said nothing of any interview with the Prince. The report also derived plausibility from the known ill-will between Lord Thurlow and Mr Pitt, which three years afterwards led to an open rupture, and narrowly missed affecting Lord Eldon's fortunes very seriously.

On this occasion Mr Pitt sent for him, and said, 'Sir John 'Scott, I have a circumstance to mention to you, which, on ac- 'count of your personal and political connexion with Lord Thur- 'low, I wish you should *first* hear from myself. Lord Thurlow 'and I have quarrelled, and I have signified to him his Majesty's 'commands that he should resign the great seal.' The answer, after an expression of regret, was, 'My resolution is formed. I 'owe too great obligations to Lord Thurlow to reconcile it to 'myself to act in political hostility to him, and I have too long 'and too conscientiously acted in political connexion with you, 'to join any party against you. Nothing is left for me but to 'resign my office as Solicitor-General, and to make my bow to 'the House of Commons.' All Mr Pitt could do was to persuade him to delay acting on this resolution till he had consulted Lord Thurlow. The Chancellor, after hearing what had passed, said, 'Scott, if there be any thing which could make me regret what has taken place, (and I do not repent it,) it would be that you should do so foolish a thing.' He added, 'I did not think the King would have parted with me so easily. *As to that other man*, he has done to me just what I would have done to him, if I could. It is very possible that Mr Pitt, from party motives, at this moment may overlook your pretensions; but sooner or later you *must* hold the Great Seal. I know no man but yourself qualified for its duties.'

There was no reason, beyond personal friendship, why the Solicitor-General should resign with the Chancellor, unless the Chancellor had been going out on some question of principle, on which the Solicitor-General agreed with him. Lord Thurlow was not the leader of a political party, and was merely indivi-

dually offended with the Premier. Sir John Scott kept his place, and Lord Loughborough received the Great Seal, to Thurlow's increased umbrage, who disliked and made light of him. Some good stories, illustrating this, are told in the 'Anecdote Book.'

Once when Lord Loughborough was making a considerable impression in the House of Lords, on a subject which Lord Thurlow had not studied in detail, the latter was heard to mutter, 'If I was not as lazy as a toad at the bottom of a well, I 'could kick that fellow Loughborough heels over head any day 'in the week.'

Lord Thurlow told George IV., who repeated it to Lord Eldon, that 'the fellow (Lord L.) had the gift of the gab in a 'marvellous degree, but that he was no lawyer'—adding, 'In the 'House of Lords I get Kenyon, or somebody, to start some 'law doctrine, in such a manner that the fellow must get up to 'answer it, and then I leave the woolsack, and give him such 'a thump in his bread-basket, that he cannot recover himself.' Dr Johnson, in comparing the two, says, 'I never heard any 'thing from him (Loughborough) that was at all striking; and 'depend upon it, sir, it is when you come close to a man in con-'versation, that you discover what his real abilities are. To 'make a speech in a public assembly, is a knack. Now, I 'honour Thurlow, sir; Thurlow is a fine fellow; *he fairly puts 'his mind to yours.*'

Early in 1793, Sir Archibald Macdonald became Chief Baron of the Exchequer, and Sir John Scott succeeded him as Attorney-General. From this period, therefore, the responsibility of the Crown prosecutions devolved upon him, and it fell to his lot to institute some of the most memorable; among others, those against Hardy, Horne Tooke, and Thelwall. The result is well known. They all failed; and the Attorney-General was much censured at the time, even by the friends of the Government, for preferring a charge of High Treason, instead of indicting the accused for Sedition. The defence is twofold: first, that such of the judges as were privy-councillors, and were present during the preliminary enquiries, (including the Chief-Justice who tried the prisoners,) stated that, in their judgment, the parties were guilty of high treason; secondly, that it was expedient to make the country aware of the extent of the danger. With regard to the first ground, we earnestly wish, for the honour of British justice, it had been suppressed, though Chief-Justice Eyre fortunately did not consider himself bound by his extrajudicial opinion. With regard to the second, it strikes us that nearly

the same disclosures might have been made. It is admitted on all hands, that the Attorney-General conducted the proceedings with temper and forbearance. Horne Tooke walked up to him in Westminster Hall a few weeks afterwards, and said, 'Let me 'avail myself of this opportunity to express my sense of your 'humane and considerate conduct during the late trials.'

At the end of his speech against Horne Tooke, the Attorney-General fell into his habitual error of justifying his character. 'It is the little inheritance I have to leave to my children, and, 'by God's help, I will leave it unimpaired.' Here he shed tears, and, to the astonishment of the Court, the Solicitor-General (Mitford) began to weep in concert. 'Just look at Mitford,' said a bystander to Horne Tooke, 'what on earth is he crying 'for?' 'He is crying to think of the *little* inheritance Scott's 'children are likely to get.'

The populace were highly excited, and the crown counsel had regularly to run the gauntlet between their own houses and the Old Bailey. One evening as the Attorney-General was about to leave the court, Garrow said—'Mr Attorney, do not pass that 'tall man at the end of the table.' 'Why not pass him?' asked Law. 'He has been here the whole trial,' replied Garrow, 'with his eyes constantly fixed on the Attorney-General.' 'I will 'pass him,' said Law. 'And so will I,' said Scott; 'happen what may, the king's Attorney-General must not show a white [illegible] The conclusion must be told in his own words:

'I went and left them, but I will not say that I did not give a little look over my shoulder at the man with the slouched hat, as I passed him; however he did me no harm, and I proceeded for some time unmolested. The mob kept thickening around me till I came to Fleet Street, one of the worst parts of London that I had to pass through, and the cries began to be rather threatening, "Down with him—now is the time, lads—do for him"—and various others, horrible enough. So I stood up and spoke as loud as I could—"You may do for me if you like, but remember there will be another Attorney-General before eight o'clock to-morrow morning; the King will not allow the trials to be stopped!" Upon this one man shouted out—"Say you so! you are right to tell us. Let's give him three cheers, lads!" And they actually cheered me, and I got safe to my own door. When I was waiting to be let in, I felt a little queerish at seeing close to me the identical man with the slouched hat; and I believe I gave him one or two rather suspicious looks, for he came forward and said—"Sir John, you need not be afraid of me; every night since these trials commenced I have seen you safe home before I went to my own home, and I will continue to do so until they are over; good-evening, sir!" I had never seen the man before. I afterwards found out who he was, (I had some trouble in doing so, for

he did not make himself known,) and I took care he should feel my gratitude.' *—[It is stated in the *Law Magazine*, that Lord Eldon had once done an act of great kindness to the man's father.]

This was the period of Erskine's greatest triumph, and he availed himself of his popularity to come to the rescue of his antagonist. 'I will not go on without the Attorney-General,' was his frequent call to the mob, as they crowded round his carriage to attend him home.' Some years afterwards he was relating, in Lord Eldon's presence, how his horses were taken out by the mob at the conclusion of Hardy's trial. 'Yes,' added Lord Eldon, 'and I hear you never saw more of them.' The laugh was against Erskine, though the fact may be regarded as apocryphal.

In 1799, the Chief-Justiceship of the Common Pleas became vacant by the death of Sir J. Eyre, and Sir John Scott immediately laid claim to it. Both the Chancellor (Lord Loughborough) and Mr Pitt wished to give it to Sir R. P. Arden, (Lord Alvanley,) then Master of the Rolls, and Mr Pitt was also unwilling to lose a valuable supporter in Parliament. 'The difficulties were at length overcome—Mr Pitt agreeing, if, with the 'Chief-Justiceship, I would, as Lord Camden did, go into the 'House of Lords as a peer; and the King consented, provided 'that I would promise not to refuse the Great Seal when he 'might call upon me to accept it.' No conditions could be more flattering. He was made a Sergeant (a necessary preliminary to a seat on the Bench of a Court of Common Law) on the 16th July, sworn of the Privy Council on the 17th, created Baron Eldon of Eldon on the 18th, and appointed Chief-Justice of the Common Pleas on the 19th. It was then customary for the Judges to wear powdered bush-wigs as a part of their ordinary costume. This fretted Lady Eldon, who was justly proud of her husband's good looks, and, by her persuasion, he applied to George III. for a dispensation, on the plea of headach. 'No, 'no!' said the monarch, 'I will have no innovations in my time.'

* An incident of the same sort occurred to the Duke of Wellington, when assailed by a mob, on his return from the Tower, during the excitement occasioned by the Reform Bill. A young man in a gig, or taxed-cart, kept close to the Duke's horse the whole way through the city, in such a manner as completely to guard one side. He never once looked up, nor had the air or manner of one who was doing any thing out of the way; and we understand he remains to this day unknown, though the greatest disgrace that could have fallen on the nation was, in all human probability, averted by him.

Lord Eldon then urged that wigs were in point of fact the innovation, not having been worn by the Judges of the olden time. 'True,' rejoined the King, 'and you may do as they did, if you 'like—though they certainly had no wigs, yet they wore their 'beards.' *

Sir John Scott's annual emoluments at the bar, during the six years he was Attorney-General, varied from L.10,000 to L.12,000. In the most productive year, (1796,) they amounted to L.12,140. The circuit gains are small, and he was never esteemed a first-rate *nisi prius* advocate. The year before he became Solicitor-General, his fees exceeded L.8000; so that he must have made a considerable sacrifice of private practice, with the view of giving his full attention to the business of the crown. Much larger professional incomes have been made of late years. The late Lord Abinger has been heard to say, that he received in one year, after he became Attorney-General, more than L.18,000; and the present Attorney-General is supposed to have exceeded that sum before he attained his present rank. The office of Attorney-General is now understood to be worth L.12,000 a-year, independent of private practice. The fees payable on patents will go far towards accounting for the recent increase. The change during the eighteenth century was much less than might have been anticipated. Roger North tells us, that in Charles II.'s reign 'the Attorney's place was (with his practice) near L.7000 'per annum, and the cushion of the Common Pleas not above 'L.4000.' Mr Barrington says, (1795,) 'there is a common 'tradition in Westminster Hall, that Sir Edward Coke's gains at 'the latter end of the seventeenth century, equalled those of a 'modern Attorney-General;' and it appears from Bacon's works, that he made L.6000 a-year as Attorney-General. Brownlow, a Prothonotary of the Common Pleas during the reign of Elizabeth, received L.6000 per annum. 'I received this account 'from one who had examined Brownlow's books,' and who also 'informed me that Brownlow used to close the profits of the

* In the portraits of Sir Matthew Hale, and other Judges of his time, hung up in the Courts at Guildhall, they are represented with beards and skull-caps; but these portraits are not much better painted than the portraits of the Scottish kings at Holyrood, and may not be entitled to rank higher as authorities. The powdered wig gradually degenerated into an ordinary flaxen one; even that began to be left off about twenty years ago; and, since the death of Mr Justice Littledale, not a single Judge is distinguishable in a drawing-room from the ordinary mob of gentlemen by his dress. Bishops are degenerating in the same manner.

'year with *laus Deo*, and when they happened to be extraor-
'dinary, *maxima laus Deo*.' *

On the other hand, Sir Thomas More told his son-in-law and biographer, (Roper,) that he made about L.400 a-year by his profession, 'with a good conscience;' and in Seward's *Anecdotes* we find, 'my lord (Sir M. Hale) said, that L.1000 a-year 'was a great deal for any common lawyer to get, and Mr Bar-'rington said, that Mr Winnington did make L.2000 per year 'by it. My lord answered, that Mr Winnington made great 'advantage by his city practice, but did not believe he made so 'much of it.'

Lord Eldon continued Chief-Justice of the Common Pleas from July 1799 to April 1801. This was the brightest period of his judicial career. When he sat with his brethren in Banc, he was obliged to keep pace with them; and when he sat at *nisi prius* by himself, he was obliged to decide upon the instant. His tendency to hesitate, therefore, did not become manifest; while his learning, penetration, temper, and sagacity, might eventually have made him, what Lord Kenyon, on hearing of the appointment, said he would be—as consummate a Judge as ever sat in judgment. It was also the happiest period. 'How I did love that court!' is his parenthetical exclamation in the 'Anecdote Book;' and once, during a walk with Mr Farrer, after comparing the harassing duties of the Chancellorship with the quiet of the Common Pleas, he suddenly turned round, and emphatically adjured his companion never to aspire to the Great Seal—a curious piece of advice to a young barrister.

Early in 1801, when Mr Pitt's resignation was anticipated, it was understood that Lord Eldon was to succeed Lord Loughborough as Chancellor; but Lord Eldon maintained a cautious reserve on the subject, which he justifies by an anecdote. 'Lord 'Walsingham, the son of Lord Chief-Justice de Grey, told me 'that his father, the Chief-Justice, gave a dinner to his family 'and friends, on account of his going to have the Great Seal as 'Chancellor next morning, but that in the interim, between the 'dinner and the next morning, Mr Justice Bathurst, it was de-'termined, should be Chancellor, and received the seal.'

The Great Seal was delivered to him on the 14th April 1801. He used to say he was the King's Chancellor, not the Minister's. 'I do not know what made George the Third so fond of me, but

* *Observations on the more Ancient Statutes.* By the Hon. Danes Barrington. 4to. P. 509.

'he *was* fond of me. Did I ever tell you the manner in which he 'gave me the seals? When I went to him he had his coat but-'toned thus, (one or two buttons fastened at the lower part,) and 'putting his right hand within, he drew them from out the left 'side, saying, "I give them to you from my heart."'

It is remarkable that George the Fourth, who, as he confessed, began by hating Lord Eldon, ended by becoming as much attached to him as George the Third. 'On Monday,' says Lord Eldon, in a letter to his grandson describing his final resignation, 'your grandfather attended with the rest of the ministers to 'give up the seals of office, and was, of course, called in first. 'The King was so much affected that very little passed; but he 'threw his arms round your grandfather's neck and shed tears.'

That resignation took place in April 30, 1827, on the formation of Mr Canning's government. After allowing for the secession during the Whig government in 1806-7, it appears that Lord Eldon held the Great Seal twenty-four years, ten months, and twenty-three days—a longer period than any other Chancellor ever held it. It is strange, therefore, that his retirement elicited no address or testimonial from the bar, to whom he was uniformly courteous. An address was presented by the Masters in Chancery; but its value is somewhat diminished by a sentence in the answer:—'Lord Eldon reflects with great 'pleasure upon the fact, that he has given to the public the bene-'fit of the services of *all* these gentlemen.'

It is undeniable that Lord Eldon possessed Judicial qualities of a very high order. They are thus mentioned by Mr Abercromby, (now Lord Dunfermline,) so long ago as June 1828: 'He expressed his belief that no man could be more conscien-'tiously inclined to give a correct judgment than Lord Eldon; 'and declared himself willing to admit that the noble and learned 'lord was an individual gifted with the most extraordinary 'acuteness of intellect—that he possessed a most profound know-'ledge of law—that he enjoyed a most astonishing memory—'and that he was endowed with a surprisingly correct and dis-'criminating judgment.'

We quote this to prove that there was no very great wish even at that time, among his warmest political adversaries, to run him down. Conscientiousness, extraordinary acuteness of intellect, profound knowledge of law, astonishing memory, correct and discriminating judgment—what more can be demanded in a Judge?—is the first question that suggests itself, as we glance over this splendid list of qualities; but, on looking a second time, we become aware that a material one is wanting—

one absolutely indispensable to the effective application of the rest. That quality was decision. Pascal says that a single additional grain of matter in Cromwell's *sensorium* might have destroyed his characteristic energy, and prevented him from attaining to greatness: this additional grain had unluckily got into Lord Eldon's. The good fairy had showered most of her choicest intellectual gifts upon his head, when the wicked fairy dashed them all with the prophetic denunciation, *thou shalt doubt.* And doubt he did, with a tenacity, ingenuity, and refinement, unparalleled in the history of mind. He loved an *if* as much as Tristram Shandy hated one. At the bar, he lost all his opinion-giving business, by his attachment to this little word; on the bench, he did all that in him lay to neutralize his utility by means of it. In allusion to Lord Erskine's fondness for the first person singular, the wits of the 'Antijacobin' apologised for not reporting the whole of one of his speeches, because the printer had no *I's* left—they might have apologised for not reporting Lord Eldon's judgments for want of types to print his innumerable *ifs, buts,* and *thoughs.* As he grew older, he grew worse; and, latterly, there was hardly any chance of getting him to utter a sentence without a saving clause.

The existence of this tendency is notorious, but its peculiar mode of operating is less known; and we will therefore illustrate it by an example. We quote from Sir Samuel Romilly's 'Diary:'—

> 'Of this case, (the name is not material,) which had been argued before the long vacation, the Lord Chancellor said to-day that he had read all the evidence over three several times, and that he did not think that there was sufficient proof to warrant his directing an issue, but that as it was the case of a pauper, he would go over all the evidence once more; and for that purpose he directed the cause to stand over generally, without appointing a time for his final determination. He thus condemns all the other impatient suitors to continue waiting, in anxious expectation of having their causes decided, till he shall have made himself quite sure, by another perusal of the depositions, that he has not been already three times mistaken.'

Sir Samuel observes that this habit was the more provoking, because Lord Eldon was hardly ever known to differ from his first impression. So well was this understood, that it was not at all unusual for parties to settle causes out of court, so soon as his impression could be collected. This, however, was no easy matter. What, for example, could be collected from the following?—'His Lordship said, that he would not say, that, upon the 'evidence without the answers, he should not have had so much 'doubt whether he ought not to rectify the agreement, as to 'take more time to consider whether the bill should be dis-

'missed.'—*The Marquis of Townshend* v. *Strangroom*, 6 *Ves. Jun.*, p. 328.

Such modes of conduct and expression are extremely inconvenient to suitors; but Mr Twiss has convinced himself, and is resolved to convince the world, that Lord Eldon will go down to posterity with his judgments, like Napoleon with his Code, (though hardly, we fancy, in his hand;) and they are boldly proposed as the touchstone of his fame. In a passage which we quote for another reason, Mr Twiss, after citing Mr Abercromby's testimony as above, proceeds:—'Such acknowledgments (and 'they are frequent in the debates from 1823 to 1827) take away 'from his defenders all necessity, nay, almost all excuse, for in- 'dulging in the details of panegyric. He can have no more com- 'plete and satisfactory voucher than the *reluctant* candour of his 'adversaries. But it is not alone upon contemporary testimo- 'nials that his judicial fame will rest. The usefulness of a judge 'does not cease with his employment: his judgments survive to 'succeeding times as lights and landmarks; and with them his 'reputation endures. By such remains, the lawyers of future 'days will form their estimate of Lord Chancellor Eldon.'

Instead, however, of going to them at once, Mr Twiss, by way of giving us a specimen of willing candour, goes first to a Number of this Journal, published more than twenty-one years ago, (October 1823,) when party politics ran high—quotes the strongest passages apart from the context—makes *them* the subject of a commentary—says nothing of a later Article written in a most conciliatory spirit—and would fain lead the public to believe that we were guilty of an illiberal attack, and that he has fairly answered us.

It is told of Sheridan, that on some occasion when his conduct had been misrepresented, he was advised to set himself right with the public. In order to pave the way, he addressed a letter to the Newspapers under a feigned name, pointedly restating the charge; but, as soon as he had gone thus far, his habitual carelessness came over him, and the letter was left unanswered. Mr Twiss has done for Lord Eldon pretty nearly what Sheridan did for himself; the only difference being, that Sheridan did not attempt an answer, and Mr Twiss has attempted one in vain. But the policy of such a course is always doubtful when so long a period has elapsed. It is never wise to pin an adversary to the precise expressions uttered at the commencement of a dispute; and the party whose defence is undertaken on this principle, is pretty sure to find himself in the condition of the boy in Don Quixote, who got a second thrashing in consequence of the Knight's interference in his behalf.

We will do our best to prevent any thing of this sort from

occurring in the present instance; but we cannot allow Mr Twiss to triumph over a highly distinguished Contributor, whom he names. He begins by impugning our authority. We spoke, it seems, 'of that laboratory called Mr Vesey's Junior's Reports, 'comprised as it is, within the very moderate compass of *eighteen* 'solid octavos,' and Mr Twiss thinks he now has us on the hip. Every equity practitioner, he says, knows that there are *nineteen;* therefore you are not a good and true barrister at all, or not conversant with equity business. 'In either case, it is obvious, that the criticisms, if they are to have any weight, must 'derive it from something more than the mere authority of the 'writer.' To be sure they must. Testimony (as he might read in Bacon) is like an arrow shot from a longbow; the force of it depends on the strength of the hand that draws it. Argument is like an arrow from a crossbow, which has equal force, though shot by a child. Reviewers, writing anonymously, are, to all intents and purposes, crossbow men. But it hurts our feelings to be accused of ignorance. Let us see, then, how this weighty matter stands. Eighteen volumes of Vesey were completed in 1817; and it stood as an eighteen volume compilation till 1822, when another volume appeared. What more natural than, writing popularly, to speak of it as an eighteen volume book in 1823?—just as many of us went on speaking of the twelve judges of England long after they had become the fifteen.

This slip (if it be one) would hardly affect our testimony, did we wish to be received as witnesses; and, at any rate, our testimony would go as far as that of the witnesses adduced against us by Mr Twiss; who actually attempts to bear us down by the testimony of dedications, addressed to Lord Eldon, during his Chancellorship, by practising Barristers! We shall next have dedications from courtiers cited to prove the virtues of princes, or [illegible]tory verses to prove that all the famous beauties were as virtuous as they were beautiful. When a practising Barrister dedicates to a reigning Chancellor, he means to flatter; and the most effective flattery is to praise a person for qualities which he or she ought to have, or pretends to, and has not. If a respectable man of letters had told Madame de Staël that her 'Germany' was a great work, she would have turned from him with a sneer; but, by alluding to her feminine fascinations, the veriest coxcomb might have become her oracle. It would have been a hazardous feat to commend Cardinal Richelieu for his statesmanship; but a judicious compliment to his tragedy might have earned a pension or a place. Just so, Lord Eldon did not want learned gentlemen to tell him that he possessed vast learning, (which he knew as

well as they did,) but to compliment him on having recast and systematized the doctrines of equity.

Such testimony, therefore, goes for very little, despite of the high professional reputation of the writers; and the question must be decided by the actual contents of the nineteen volumes, (be the same more or less,*) and the fifteen or sixteen other volumes of reports, in which Lord Eldon's judgments lie, like Egyptian mummies, embalmed in a multitude of artfully contrived folds and wrappers.

'Very few words (says Mr Twiss) will suffice upon the style 'in which his judgments are worded. It may at once be admit- 'ted that, as literary compositions, they are faulty enough— 'inconveniently parenthetical, and over-abundant in limitations 'and qualifications.' Considering from what quarter this admission comes, it goes far to establish the entire charge. The distinction 'as literary compositions,' (a new mode of viewing them,) is a distinction without a difference; and over-abundance in limitations and qualifications is not a mere fault in style. But it is where he is driven to his proof, that Mr Twiss's failure becomes most manifest; not from any lack of research or knowledge, but because, out of the whole of the thirty and odd volumes containing Lord Eldon's judgments, only five or six judgments capable (even in the biographer's opinion) of standing muster, can be produced; and these six were described by anticipation in the very Article they are now presented to refute:—'Ex- 'amples, we do not deny, might be selected in abundance, of 'a dissection of facts ingenious, skilful, subtle in the extreme, 'and, which is more to our present purpose, of a most cautious 'balancing and learned discussion of preceding authorities, im- 'plying a suspicion of their correctness, and casting a doubt 'alike over them and the decision which is about to be pro- 'nounced. But of a clear, unreserved, definite exhibition of ge- 'neral principles, and of what the law is, the faithful mirror of 'Messrs Vesey and Co. holds up no portrait, because the origi- 'nal does not exist.'†

* We beg Mr Twiss to mark this saving clause, for the edition now in use, including the index, consists of twenty volumes; and the first five are filled with cases decided prior to Lord Eldon's Chancellorship.

† See this Journal, Vol. xxxix. p. 250. Mr Twiss omits this passage, which forms the conclusion of the paragraph he quotes, as well as the commencement, which runs thus: 'That his lordship is a great and learned 'lawyer—that he possesses a most subtle and refining understanding, and 'unites, with an extraordinary degree of penetration and sagacity, a sin- 'gular patience and circumspection in forming his decisions, will be ad-

Mr Twiss should refer us to an occasional judgment or two, like the best known of Lord Stowell's, or else to a series of judgments, like the whole of Lord Redesdale's or Lord Cottenham's—plain, clear, practical, and satisfactory; the obvious product of a mind *par negotiis neque supra*, amply supplied with general principles, and saturated with the peculiar learning of equity. He cannot do this. Still less (to revert a moment to the broad objection of delay) can he lay the blame on the system, and so excuse the judge without accusing the legislator. Lord Eldon might have carried any measure of legal reform as easily as the Duke of Wellington and Sir Robert Peel carried Catholic Emancipation. In his own court, he might have played the part of Hercules in the Augean stable; but he preferred to sit among the accumulations of dirt and rubbish, and looked with marked disfavour on all who approached to meddle with them.

On the whole, this book will do more for Lord Eldon's private, than for his public character. It shows him possessed of many amiable and attractive qualities; numerous acts of generosity, some amounting to munificence, refute the popular notion of his avarice, which had got abroad in consequence of his wife's thrifty housekeeping; his demeanour appears to have been uniformly upright and manly, as well as courteous; * and notwithstanding our rooted antipathy to Charles Surfaces of all sorts, we are ready to believe that he was honest as this world goes, though eternally talking about his honesty. But Mr Twiss must not claim an exalted place for him in the Temple of Fame, among the magnates of intellect, or the benefactors of mankind. There was nothing grand in his genius, elevated in his views, comprehensive in his benevolence, or far-sighted in his policy. He has not left a sentence which any one but a technical lawyer would care to read; and not a single measure of enlightened or largely-useful legislation is associated with his name, except as an opponent. As for his statesmanship, the elaborate panegyric, form-

mitted, we suppose, by all who have had an opportunity of observing him in the exercise of his judicial office. But it would be difficult, we conceive, on the other hand to deny,' &c. Mr Twiss begins: 'It would be difficult,' &c. Does Mr Twiss remember the manner in which Zadig's verses in praise of the King of Babylon were converted into a libel?

* 'Sir John Scott used to be a great deal at my house. I saw much of him then, and it is no more than his due to say, that, when he was Solicitor and Attorney-General under Pitt, he never fawned and flattered as some did, but always assumed the tone and station of a man who was conscious that he must show he respects himself, if he wishes to be respected by others.'—(*Life of Wilberforce*, Vol. v. p. 214.)

ing the commencement of Mr Twiss's first chapter, proceeds on a most gratuitous assumption. Mr Twiss here assigns to Lord Eldon the sort of influence which was exercised (for good or evil) by Burke and Pitt. It was Burke who furnished the philosophy by which a halo was, for a period, thrown round ancient establishments. It was Pitt who formed the great continental and party league for their defence. Lord Eldon was simply one of the four or five statesmen who trod *haud passibus æquis* in the footsteps of their prototype. He did effective service in consolidating a Cabinet or two, but he never exercised an independent sway over the Councils of the nation, (whatever he might have done in the King's closet;) nor ever led more than a section of the Tory party, and it was fortunate for the Empire that he did not. 'A few drops more of *Eldonine*, and we should have had 'the People's Charter.' *

It is going far enough to call Lord Eldon a great Lawyer; but to call him a great man, or assign him the honours paid to those who have performed noble actions, produced immortal works, or conferred lasting benefits on mankind, is to degrade the general standard of excellence, and to canker public virtue in the bud. There are rewards of a different order set apart for those who work for present objects and present pay. To a fair share of these he was entitled, and he had it. His Earldom, his half million, and his 'one cheer more,' were enough in all conscience for such services as his, even though the 'one cheer more' should not be caught up and echoed back by posterity.

* *Quarterly Review*, Vol. lxxiii. p. 542. He was not so much as consulted on the formation of the Duke of Wellington's government in 1828. (See *The Life*, Vol. iii. ch. li.)

ART. V.—*The Chimes: a Goblin Story of some Bells that rang an Old Year out and a New Year in.* By CHARLES DICKENS. 12mo. London: 1845.

'PRAY, Mr Betterton,' asked the good Archbishop Sancroft of the celebrated actor, 'can you inform me what is the rea-'son you actors on the stage, speaking of things imaginary, 'affect your audience as if they were real; while we in the church 'speak of things real, which our congregations receive only as if 'they were imaginary?' 'Why, really, my lord,' answered Betterton, 'I don't know; unless it is that we actors speak of 'things imaginary as if they were real, while you in the pulpit 'speak of things real as if they were imaginary.' It is a clever answer; and as applicable now as when the archbishop put the question. Indifference makes sorry work of Truth, in half of what is going on around us; and what truthful and serious work may be made of Fiction, Mr Dickens helps us to discern.

We do not know the earnestness to compare with his, for the power of its manifestation and its uses. It is delightful to see it in his hands, and observe by what tenure he secures the popularity it has given him. Generous sympathies and kindest thoughts, are the constant renewal of his fame; and in such wise fashion as the little book before us, he does homage for his title and his territory. A noble homage! Filling successive years with merciful charities; and giving to thousands of hearts new and just resolves.

This is the lesson of his *Chimes*, as of his delightful *Carol*; but urged with more intense purpose and a wider scope of application. What was there the individual lapse, is here the social wrong. Questions were handled there, to be settled with happy decision. Questions are here brought to view, which cannot be dismissed when the book is laid aside. Condition of England questions; questions of starving labourer and struggling artizan; duties of the rich and pretences of the worldly; the cruelty of unequal laws; and the pressure of awful temptations on the unfriended, unassisted poor. Mighty theme for so slight an instrument! but the touch is exquisite, and the tone deeply true.

We write before the reception of the book is known; but the somewhat stern limitation of its sympathies will doubtless provoke remark. Viewed with what seems to be the writer's intention, we cannot object to it. Obtain, for the poor, the primary right of recognition. There cannot, for either rich or poor, be fair play till that is done. Let men be made to think, even day by day, and hour by hour, of the millions of starving wretches, heart-

worn, isolated, unrelated, who are yet their fellow-travellers to eternity. We do not know that we should agree with Mr Dickens' system of Political Economy, if he has one; but he teaches what before all economies it is needful to know, and bring all systems to the proof of—the at once solemn and hearty lesson of human brotherhood. It is often talked about, and has lately been much the theme; but in its proper and full significance is little understood, If it were, it would possibly be discovered along with it that life might be made easier, and economies less heartless, than we make them. Such, at any rate, appears to be the notion of Mr Dickens, and, to test its worth, he would make the trial of beginning at the right end.

Begin, he would seem to say to us, with what the wretched have a right to claim as part of a lost possession. Acknowledge some spiritual needs, as well as many bodily ones, and let not your profession of raising the poor man be but another form of the cant that has kept him down. Pompous, purse-proud, pauper Charity will avail him little. Ground to the earth as he is, he may be even spared the further grinding of Justice, if, with a great, huge, dead, steam-engine indifference, it would but crush him to the shape of its own hard requirements. On the other hand, principles of the breed of *sans culottes* adjusted with the tie of a Brummell, Jack Cade progression in the West-end boots of Hoby, will make still scantier way in his behalf. And from that other extreme of sublimated sense in the city, which detects all kinds of sham but its own, and puts down distress and suicide as it would put down thieving, Heaven in its mercy help him!

Let us away, says Mr Dickens in effect, with all these cants. If we cannot have a higher human purpose, let us have fewer selfish projects. Better for the poor man, if we cannot yield him some rightful claim to nature's kindly gifts, he should be wholly set aside as an intruder at her table. But better far for us, that we know his claims, and take them to our hearts in time. That we understand how rich, in the common inheritance of man, even the poorest of the poor should be. That we clearly understand what Society has made, of what Nature meant to make. That we try in some sort to undo this, and begin by making our laws his security, which have been heretofore his enemy. That even in his guilt, with due regard to its temptations, we treat him as a brother rather than an outcast from brotherhood. For that, in the equal sight of the highest wisdom, the happiness of the worst of the species is as much an integrant part of the whole of human happiness as is that of the best.

In this spirit the little story before us is conceived. There is bitter satirical exposure of the quackeries of *quasi*-benevolence.

There is patient, honest, tender-hearted poverty, forgetting its weary wants, in the zeal with which it ministers to wants even wretcheder than its own. There is the awful lesson, too little thought of by the most thoughtful men, of how close the union is between wants of the body and an utter destitution and madness of the soul. There is profound intimation of the evil that lies lurking in wait for all the innocent and all the good over all the earth. There is the strength and succour of Guilt Resisted, and deepest pity for Innocence Betrayed. And all this, gently and strongly woven into a web of ordinary human life, as it lies within the common experiences; woven into that woof of tears and laughter, of which all our lives are day by day composed, with incomparable art and vigour, and the most compassionate touching tenderness.

Could we note a distinction in the tale, from the general character of its author's writings, it would be that the impression of sadness predominates, when all is done. The comedy as well as tragedy seems to subserve that end; yet it must be taken along with the purpose in view. We have a hearty liking for the cheerful side of philosophy, and so it is certain has Mr Dickens: but there are social scenes and experiences, through which only tragedy itself may work out its kinder opposite. Even the poet who named the most mournful and tragic composition in the world a Comedy, could possibly have justified himself by a better than technical reason. Name this little tale what we will, it is a tragedy in effect. Inextricably interwoven, of course, are both pleasure and pain, in all the conditions of life in this world: crossing with not more vivid contrasts the obscure struggle of the weak and lowly, than with fierce alternations of light and dark traversing that little rule, that little sway, which is all the great and mighty have between the cradle and the grave. But whereas, in the former stories of Mr Dickens, even in the death of his little Nell, pleasure won the victory over pain, we may not flatter ourselves that it is so here. There is a gloom in the mind as we shut the book, which the last few happy pages have not cleared away; an uneasy sense of depression and oppression; a pitiful consciousness of human sin and sorrow; a feeling of some frightful extent of wrong, which we should somehow try to stay; as strong, but apparently as helpless, as that of the poor Frenchman at the bar of the Convention, who demanded of Robespierres and Henriots an immediate arrestment of the knaves and dastards of the world!

But then, says the wise and cheerful novelist to this, there *are* knaves and dastards of our own world to be arrested by all of us, even by individual exertion of us all, Henriots and Robespierres

notwithstanding. It was for this my story was written. It was written, purposely to discontent you with what is hourly going on around you.' Things so terrible that they should exist but in dreams, are here presented *in a dream;* and it is for the good and active heart to contribute to a more cheerful reality, whatsoever and howsoever it can. For ourselves, we will hope that this challenge may be taken. Those things are to be held possible, Lord Bacon thought, which are to be done by some person, though not by every one; and which may be done by many, though not by any one; and which may be done in succession of efforts, though not within the hour-glass of one man's effort. And thus we will think it possible that something may at last be done, even by hearts this little book shall awaken to the sense of its necessity, in abatement of the long and dire conspiracy which has been carried on against poverty, by the world and the world's law.

In so far as there is the machinery of a dream, the plan of the *Carol* is repeated in the *Chimes.* But there is a different spiritual agency, very nicely and naturally derived from the simple, solitary, friendless life of the hero of the tale. He is a poor old ticket-porter of London; stands in his vocation by the corner of an old church; and has listened to the chiming of its Bells so constantly, that, with nothing else to talk to or befriend him, he has made out for himself a kind of human, friendly, fellow voice in theirs, and is glad to think they speak to him, pity him, sympathize with him, encourage and help him. Nor, truly, have wiser men than Toby Veck been wise enough to dispel like fancies. There has been secret human harmony in Church-Bells always; life and death have sounded in their matin and vesper chime; with every thing grave or glad they have to do, prayer and festivity, marriage and burial; and there has never been a thoughtful man that heard them, in the New-Year seasons, to whom their voice was not a warning of comfort or retrieval—telling him to date his time and count up what was left him, out of all he had done or suffered, neglected or performed. It is the New-Year season when they talk to Toby Veck; but poor Toby is not sufficiently thoughtful to avoid falling into some mistakes now and then respecting what they say.

He is a delightfully drawn character, this unrepining, patient, humble drudge—this honest, childish-hearted, shabby-coated, simple, kindly old man. There is not a touch of selfishness, even in the few complaints his hard lot wrings from him. Thus, when a pinching east wind has nigh wrenched off his miserable old nose at the opening of the story, he says he really couldn't blame it if it was to go. 'It has a precious hard service of it,' he remarks,

'in the bitter weather, and precious little to look forward to: *for*, '*I don't take snuff myself*.' But there is a wrong extreme even in unselfishness, and Toby is meant for its example. He has had such a hard life; has hope of so little to redeem the hardship; and has read in the newspaper so much about the crimes of people in his own condition—that it is gradually bringing him to the only conclusion his simple soul can understand, and he begins to think that, as the poor can neither go right nor do right, they must be born bad, and can have no business on the earth at all. But while he argues the point with himself, the bright eyes of his handsome little daughter look suddenly into his own, and he thinks again they *must* have business here, 'a little.' What follows lets us into their humble history; and we learn that this pretty, hard-working girl, has been three years courted by a young blacksmith; and that Richard has at last prevailed with Meg to run the risks of poverty against the happiness of love, and marry him on the morrow, New-Year's Day. So, for further celebration of this coming joy, she has brought her father an unexpected dainty of a dinner of tripe; and as he eats it with infinite relish on the steps of an adjoining house, where they are joined by Meg's lover himself, the door opens and other personages step upon the scene.

Mr Alderman Cute and his friend Mr Filer. The Alderman, great in the city; shrewd, knowing, easy, affable; amazingly familiar with the working-classes; a plain practical dealer in things; up to all the nonsense talked about 'want,' all the cant in vogue about 'starvation,' and resolved to put it down. Mr Filer, a dolorous, dry, pepper-and-salt kind of man; great in calculations of human averages; and for filing away all excesses in food and population. Thus he falls at once on poor Toby's tripe, which he shows to be so expensive a commodity, with such a deal of waste in it, that Toby finds himself on a sudden robbing the widow and orphan, and 'starving a garrison of five hundred men 'with his own hand.' The Alderman laughs at this mightily, takes up the matter in his livelier way, and gives it quite a cheerful aspect. 'There is not the least mystery or difficulty in deal-'ing with this sort of people if you only understand 'em, and can 'talk to 'em in their own manner.' In their own manner, accordingly, the good justice talks to them. He proves to Toby in a trice that he has always enough to eat, and of the best. He chucks Meg under the chin, and shows her how indelicate it is to think of getting married; because she will have shoeless and stockingless children, whom he as a justice will find it necessary to put down; or she will be left to starve, or practice the fraud of suicide, and suicide and starvation he *must* put down. He ban-

ters the young smith with increased urbanity as a dull dog and a milksop, to think of tying himself to one woman, a trim young fellow like him, with all the girls looking after him. And so the little party is broken up: poor Meg walking off in tears; Richard gloomy and down-looking; and the miserable Toby, in very depths of despair, receiving a sixpenny job of a letter from the alderman. He is now confirmed in his notion, that the poor have no business on the earth. The Bells chime as he goes off upon his errand, and there is nothing but the Cute and Filer cant in what they seem to say to him. 'Facts and figures; 'facts and figures!' 'Put 'em down; put 'em down!'

The letter is to a very great man, who flounders a little in the depth of his observations, but is a very wise man, Sir Joseph Bowley. It is about a discontented labourer of Sir Joseph's, one William Fern, whom the alderman has an idea of putting down; and Toby, in delivering it, has an opportunity of hearing *this* philosopher's views about the poor man, to whom he considers himself, by ordainment of Providence, a friend and father. The poor man is to provide entirely for himself, and depend entirely on Sir Joseph. The design of his creation is, not that he should associate his enjoyments, brutally, with food, but that he should feel the dignity of labour: 'go forth erect into the cheerful 'morning air, and—*and stop there!*' Toby is elevated by the friendly and fatherly sentiments, but as much depressed to hear they are repaid by black ingratitude. And his heart sinks lower as he listens to Sir Joseph's religious remarks on the necessity of balancing one's accounts at the beginning of a New-Year, and feels how impossible it is to square his own small score at Mrs Chickenstalker's. He leaves the house of this great man, more than ever convinced that his order have no earthly business with a New-Year, and really are 'intruding.'

But on his way home, falling in with the very Will Fern whom the alderman and Sir Joseph are about to put down, he hears somewhat of the other side of the question. The destitute, weary countryman, jaded and soiled with travel, has come to London in search of a dead sister's friend; carries a little child in his arms, his sister's orphan Lilian; and sudden sympathy and fellowship start up between the two poor men. Fern denies none of the Bowley complaints of his ingratitude. 'When work 'won't maintain me like a human creetur; when my living is so 'bad, that I am Hungry out of doors and in; when I see a whole 'working life begin that way, go on that way, and end that way, 'without a chance or change; then I say to the gentle folks, '"*Keep away from me. Let my cottage be. My doors is dark 'enough without your darkening of 'em more. Don't look for*

'me to come up into the park to help the show when there's a 'birthday, or a fine speechmaking, or what not. Act your Plays 'and Games without me, and be welcome to 'em, and enjoy 'em. 'We've nought to do with one another. I'm best let alone!"'

Toby brings him to his sorry home; secretly expends the sixpence he has just earned, for his entertainment; and half loses his wits with delight as he sees his dear Meg (whom he had found in tears; her proposed wedding broken off as he imagines) bring back cheerful warmth and comfort to the poor little half-starved Lilian. There is not a more quiet, a more simply unaffected, or a more deeply touching picture, in the whole of Mr Dickens's writings; often as they have softened, in the light of a most tender genius, the rough and coarser edges of lowly life. His visitors gone to what indifferent rest he can provide for them, old Toby is again alone. He falls again into the thought of the morning; pulls out an old newspaper he had before been reading; and once more spelling out the crimes and offences of the poor, especially of those whom Alderman Cute is going to put down, gives way to his old misgiving that they are bad, irredeemably bad; which turns to frightful certainty when he reads about a miserable mother who had attempted the murder of herself and her child. But at this point his friends the Bells clash in upon him, and he fancies they call him to come instantly up to them. He staggers out of the house, gropes his way up the old church stairs into the Tower, falls in a kind of swoon among the Bells, and the DREAM has begun.

The third quarter of the little book opens with the goblin scenes; done with a fertile fancy, and high fantastic art, which tax even the pencil of Mr Maclise to follow them. The Bells are ringing; and innumerable spirits (the sound or vibration of the Bells) are flitting in and out the steeple, bearing missions and commissions, and reminders and reproaches, and punishments and comfortable recollections, to all conditions of people. It is the last night of the old year, and men are haunted as their deeds have been. Scourges and discord, music and flowers, mirrors with pleasant or with awful faces, gleam around. And the Bells themselves, with shadowy likeness to humanity in midst of their proper shapes, speak to Toby as these visions disappear, and sternly rebuke him for his momentary doubt of the right of the poor man to the inheritance which Time reserves for him. His ghost or shadow is then borne through the air to various scenes, attended by spirits of the Bells charged with this trust: That they show him how the poor and wretched, at the worst—yes, even in the crimes which aldermen put down, and he has thought so horrible—have yet some deformed and hunchbacked goodness

clinging to them, which preserves to them still their right, and all their share in Time.

He sees his daughter after a supposed lapse of nine years, her hopes and beauty faded, working miserable work with Lilian by her side; and sees, too, that her own brave and innocent patience is but scantily shared by her younger and prettier companion. He sees the Richard that should have been his son-in-law, a slouching, moody, drunken sloven. He sees what the Bowley friends and fathers are; what grave accounts the punctual Sir Josephs leave unlooked at; and what crawling, servile, mean-souled mudworms of the earth, are the Aldermen who put down misery. He sees what their false systems have brought his poor Will Fern to, and hears his solemn warning. 'Give us, 'in mercy, better homes when we're a-lying in our cradles; give 'us better food when we're a-working for our lives; give us 'kinder laws to bring us back when we're a-going wrong; and 'don't set jail, jail, jail, afore us, every where we turn.'

More years pass, and his daughter is again before him; with the same sublime patience, in an even meaner garret, and with more exhausting labour. But there is no Lilian by her side. The worst temptation has availed, and those nineteen years of smiling radiant life have fallen withered into the ways of sin. We will not trust ourselves to say to what a height of delicate and lovely tenderness these sad passages are wrought, by the beauty of merciful thoughts. Most healthful are the tears that will be shed over them, and the considerate pity they will awaken for all human sin and sorrow. We see the fallen Richard, in sullen half-drunken dreams of the past, haunting Meg's miserable room; and there, at Meg's feet, we see poor Lilian die. Her earthly sin falls from her as she prays to be forgiven, and the pure spirit soars away. 'Oh, Youth and Beauty, happy as ye should be, 'look at this! Oh, Youth and Beauty, blest and blessing all 'within your reach, and working out ends of your beneficent 'Creator, look at this!'

But for the old man is reserved an even more desperate trial. After lapse of further years, his daughter Meg is presented in another aspect. As the last chance of saving Richard she has married him; on his death is left with an infant child; sinks to the lowest abyss of want; and at last into the clutches of despair. Seeing death not distant from herself, and fearing for her child the fate of Lilian, she has resolved, in Toby's sight, her father's, to drown herself and the child together. Hogarth never painted a scene of mingled farce and tragedy with more appalling strength, than one which precedes this terrible resolve. But before she goes down to the water, Toby sees and acknowledges the lesson

taught him thus bitterly. He sees that no evil spirit may yet prompt an act of evil. He observes Meg cover her baby with a part of her own wretched dress, adjust its squalid rags to make it pretty in its sleep, hang over it, smooth its little limbs, and love it with the dearest love that God has given to mortal creatures. And he screams to the Chimes to save her, and she is saved. And the moral of it all is, that he, the simple half-starved ticket-porter, has his portion in the New-Year no less than any other man; that the poor require infinite beating out of shape before their human shape is gone; that, even in their frantic wickedness, there may be good in their hearts triumphantly asserting itself, though all the Aldermen alive say No; and that the truth of the feeling to be held towards them, is Trustfulness, not Doubt, nor Putting them Down, nor Filing them Away. 'I 'know,' cries the old man in an inspiration the Bells convey to him, 'that our inheritance is held in store for us by Time. I 'know there is a Sea of Time to rise one day, before which all 'who wrong us or oppress us will be swept away like leaves. I 'see it, on the flow!'

And as the imaginative reader fancies he sees it too; as he listens for the rush that shall sweep down quacks and pretenders, Cutes, Filers, and Bowleys; peradventure, as his lively fancy may even see old Toby clambering safely to the rock that shall protect him from the sweeping wave, and may watch him still hearkening to his friends the Bells, as, fading from his sight, they peal out final music on the waters. . . . . Toby wakes up over his own fire. He finds the newspaper lying at his foot; sees Meg sitting at a table opposite, making up the ribands for her wedding the morrow; and hears the bells, in a noble peal, ringing the old year out and the new year in. And as he rushes to kiss Meg, Richard dashes in to get the first new-year's kiss before him—and gets it; and every body is happy; and neighbours press in with good wishes; and there is a small band among them, Toby being acquainted with a drum in private, which strikes up gaily; and the sudden change, and the ringing of the Bells, and the lively music, so transport Toby, that he is, when last seen, leading off a country-dance in an entirely new step, consisting of that old familiar Trot in which he transacts the business of his calling.

May this wise little tale second the hearty wishes of its writer, and at the least contribute to the coming year that portion of happiness which waits always upon just intentions and kind thoughts.

ART. VI.—*The Life and Correspondence of Thomas Arnold, D.D.* By A. P. STANLEY, M.A. 2 vols. 8vo. London: 1844.

THIS is a striking book—the Life of our English *Arnaud.* It is not only delightful in itself, but is made, if possible, still more so, by the reception it has met with. A few years back, Dr Arnold was misunderstood, misrepresented, and proscribed. Such journalists as Mr Theodore Hook maligned him every Sunday. Such friends as Mr Keble disowned him for years together. The Archbishop of Canterbury * closed against him the Lambeth pulpit, on the consecration of Bishop Stanley. His unpopularity with the clergy was so intense, that the Whig ministry durst not elevate him to his proper place in his profession. Altogether, the 'barbarous noise' by which he was environed, was as much of a martyrdom as modern persecutors can well hope to see. He was put out of the synagogues, and those who reviled him, assumed that they did God service! Yet let good men be of good cheer. *Sursum corda!* Arnold, the while, never bated a jot either of heart or hope, and his praises are now on every tongue. Whether he were right or wrong in his schemes of 'ecclesiastical polity,' we care comparatively little. On the other hand, we are sure there can be no truths to be discovered upon that subject, of which we stand half so much in need as of the spectacle which he has obtained for us—that of

* The Archbishop's difficulty would appear to have been a general apprehension of personal unpopularity, rather than any objection to particular opinions; since Arnold, in 1842, on acknowledging a sermon from Dr Hawkins, expresses (Letter 278) his delight at their agreement on the Priest question, ('the fundamental one of the whole 'matter,') and that 'the Archbishop should have wished a sermon 'to be printed, containing so much truth, and truth at this time 'so much needed.' A few months before, in reference to the consecration of the first Protestant Bishop of Jerusalem, he triumphantly remarks, (Letter 257)—'Thus the idea of my Church Reform pamphlet, which was so ridiculed and condemned, is now carried into 'practice by the Archbishop of Canterbury himself. For the Protestant 'Church of Jerusalem will comprehend persons using different liturgies 'and subscribing different articles of Faith; and it will sanction these 'differences, and hold both parties to be equally its members. Yet it 'was thought ridiculous in me to conceive, that a National Church 'might include persons using a different ritual, and subscribing different 'articles.'

men of a hundred different opinions bowing down in reverence before his Christian life and noble nature. Truth will be no loser by it in the end; while, from the very first, to godliness and to charity it is great gain.

A partial re-action had taken place a little before Arnold's death. This was greatly owing to the influence of his pupils.* They came up, fresh from his hands, to Oxford, and brought with them, in their devoted attachment and their exemplary conduct, the most unexceptionable of all testimonies in his favour. His personal presence there as Professor of History, must in time have effected more. But he had scarcely entered upon the experiment, when his death transferred to Mr Stanley, a friend and pupil, the gratifying office of vindicating his character by a faithful representation of his life.

Few persons of Dr Arnold's station have been so much before the public during their lifetime, and in so many ways. He was the first English editor of Thucydides, and the first accommodater of Niebhur to English tastes and understandings. He was also for some fourteen years the prince of schoolmasters on that most trying of all stages—an English public school. And he lived to stand forward, almost as long, an uncompromising opponent of that new form of Oxford priestcraft, which (no less cun-

* The testimony of Dr Moberley, head master of Winchester, on the state of English public schools and of the University of Oxford, till within these last ten or fifteen years, is very remarkable. What would they not have said of us, if we had said only half as much against these celebrated institutions—the well-endowed and highly-favoured nurseries of the English aristocracy and the English clergy? 'The tone of young 'men, whether they came from Winchester, Eton, Rugby, Harrow, or 'wherever else, was universally irreligious. A religious under-graduate 'was very rare, very much laughed at, when he appeared; and I think, 'I may confidently say, hardly to be found among public school men . . . 'A most singular and striking change has come upon our public 'schools . . . This change is undoubtedly part of a general improve'ment of our generation, in respect of piety and reverence; but I am 'sure, that to Dr Arnold's personal earnest simplicity of purpose, 'strength of character, power of influence and piety, which none who 'ever came near him could mistake or question, the carrying of this 'improvement into our schools is mainly attributable. *He was the 'first.*' Regretting that 'they were often deeply imbued with princi'ples which we disapproved,' he adds, 'it soon began to be matter of 'observation to us in the University, that his pupils brought with them 'quite a different character to Oxford than what we knew else'where . . . . thoughtful, manly-minded, conscious of duty and ob'ligation.'—(Vol. i. p. 172.)

ning than audacious) has been perplexing our generation, seeking the dishonour of the Reformation, and sowing dissension in the Church of England. Under one or other of these titles, as a scholar, a schoolmaster, or a polemic, the name of Arnold was familiar to most people: while *that* in him which was most worth knowing—what he really was as a *Man*—continued, notwithstanding, to be little known out of a small circle, beyond his family and school. It might have been learned, to be sure, in his characteristic sermons. It lay there open as the day. But people cannot be compelled to read sermons; nor (if they read them) prevented from putting a preacher whom they hate, on the awkward list of those 'ungracious pastors' who have a lofty standard for their congregations, and a very moderate one for themselves.

A general ignorance of a man's character, such as we are supposing to have been the case concerning Arnold, affords an opportunity for successful calumny; but, of itself, it does not supply a motive for the calumny, or account for its success. In this instance, however, the explanation of both phenomena lies near at hand. The cry was a professional one at first; and, in such a case, the public at large are seldom at the trouble of enquiring into particulars for themselves. They naturally take up the impression entertained of a man in his own profession; and, unfortunately, the clerical prejudices which temporary provocations raised into a storm, had their rise in too enduring causes entirely to subside as long as Arnold was alive.

The 'Oxford Malignants,' as a body, had an immediate interest in damaging the credit of their most formidable antagonist. Knowing little of Arnold personally, they might satisfy their consciences by holding it to be impossible that any honest man could suspect* Mr Newman of dishonesty. Mr Keble might

* Arnold had not one measure for himself and another for other people. His quarrel was with Newmanism, not Newmanites; with the system and the party, not with individuals. The system he thought most mischievous, 'schismatical, unchristian, and profane;' and in the degree which it altered the due proportions of our moral nature, approaching to a moral fault. To denounce it, track it through its windings, and pursue it to the death, was a sacred and appointed task. The last words which fell from his pen on earth were heavy with this burden. But, before he could be offended with individual members of the party, they must have been guilty of what he considered an individual offence. Arnold was far too generous to withhold his testimony from an adversary. He was credulous in favour of their persons; and, on stripping to fight, shook hands. Witness the tribute paid to 'their pure and holy

have told them better. But his returning kindness scarcely came in time to disabuse his party of their ill opinion. The

'lives' in his pamphlet on Church Reform, (1833;) and his public declaration, (Preface to Vol. iv. of Sermons,) that he nothing doubted that there were points in Mr Newman in which he might learn truth from his teaching, and should be glad if he could come near him in his practice; as well as his assurance to Dr Hawkins, (1834,) that no word of his had impeached the sincerity or general character of the men, and that, in this respect, he would carefully avoid every expression that might be thought uncharitable.

It was not, therefore, for being a Newmanite that Mr Newman can have fallen in his good opinion; but for what appeared to him personal violations of truth and justice. The violent proceedings of the Newmanite party against Dr Hampden were, in Arnold's eyes, so glaringly unjust that it altered his opinion of all concerned in them.—(His article in this Journal, Vol. lxiii. 1836.) It was no longer a question how he ought to feel towards persons holding false opinions, but how he ought to feel towards persons guilty individually of unjust and oppressive acts.

He saw in the *privilegium* voted by the Convocation, nothing but Lynch law. In the place of an Oxford convocation, there rose before him the image (which Mr Stanley says he could not put away from him,) of the nonjurors reviling Burnet—of the Council of Constance condemning Huss—of the Judaizers banded together against St Paul. It was a repetition by High Churchmen of the reception given by the Catholics to Peter Martyr, when he went down as divinity professor to Oxford in Edward the Sixth's time—the same outcry, and on the same grounds. 'No man's mind can be fairly judged of by such a specimen as N—— has given of Hampden's. He has in several places omitted sentences in his quotations, which give exactly the soft and Christian effect, to what without them sounds hard and cold.'—(Let. 106.) There was downright evil acting in it, and the more I consider it the more does my sense of its evil rise. Certainly, my opinion of the principal actors in that affair has been altered to them personally. I do not say it should make me forget all their good qualities, but I consider it as a very serious blot in their moral character.'—(Let. 107-141.) 'I do not think that John Gerson was a bad man: yet he was 'a principal party in the foul treachery and murder committed against 'John Huss at the Council of Constance.'—(Let. 108.)

It would take a volume, at least the size of Pascal's Letters, to expose the want of truth of the leaders of this movement. In this charge we implicate the leaders only. We willingly separate the seducers from the seduced—the false shepherd from the deluded sheep. A crowd of followers may be innocent enough. The trick was, once to get them on the stream—the current would do the rest, and carry them out to sea. The unsuspecting convertite is no way answerable for the cunning mechanism of the trapdoors and inclined planes, on which, if he can be only tempted to set his foot, he infallibly slides on. Arnold has been reproached by one of their writers, for his foolish way of going about his

Newmanites, however, when most inveterate, could have done Arnold little injury by themselves. Their hostility unfortunately fell in with the ordinary temper of the great body of

work with his pamphlet 'On Church Reform.' He made a clean bosom of it; and told the public at their setting off, what was to be their journey's end. Very foolish, if he had wanted to recruit for a party: but very wise and right, if he meant honestly by others and by himself. The course taken by Mr Newman has been directly the reverse from first to last. In consequence of Dr Wiseman's exposure of the impossibility of reconciling the Newmanite doctrines with their bitter criticisms on the Roman faith, the author of Tract 90 published an apologetic letter in the Conservative Journal of February 1842. The tract and the letter are as universally ascribed to Mr Newman, as his 'Lectures on Romanism and Popular Protestantism.' The double mask worn by Mr Newman in these three publications, well illustrates the tactics of his policy. The professed object of Tract 90, and of the Lectures, was to keep the members of the Church of England from straggling towards Rome. The two ways taken for doing this are very characteristic. There is Tract 90, to tell them that they may sign the Thirty-nine Articles, and believe in the Decrees of the Council of Trent—because the Decrees came out later! Then come the Lectures, to encourage the timid and mystify the simple, by emphatic distinctions between the doctrines of Newmanism and the doctrines of Rome. But, set a Jesuit to catch a Jesuit. First, then, with regard to Tract 90. By the knowledge he had acquired, while getting up his pamphlets against Roman Catholic Emancipation, the Bishop of Exeter was enabled (on comparing the dates of the Articles with the dates of the Decrees) to demonstrate that the correctness of Mr Newman's historical assertions was on a level with the correctness of his morality. Next, generally, when pressed by Dr Wiseman to reconcile his language in discredit of the Church of Rome with the Roman doctrines, which he was in effect maintaining—what was his answer? Did he retract his language, or recant his doctrines? No such thing. But, with insidious cowardice, he distinguished between Mr Newman as Mr Newman, and Mr Newman as a member of the Church of England!—affecting to give to a *consensus* of its divines an authority over private judgment and belief, which the Church of England never gave them and could never give. 'I am not speaking my own words. I am but following out a *consensus* of the divines of my Church. They have ever used 'the strongest language against Rome—even the most able and learned 'of them. I wish to throw myself into their system. While I say what 'they say, I am safe.' Thus Mr Newman has two characters, and can put them on according to circumstances. It is necessary to know beforehand, in which of the characters he is speaking; since, for what he says as a member of the Church, the Church is answerable, not himself. It matters little to his victims, under what mask and by what quibbles Mr Newman may speculate upon securing his own safety; or, on his turning out to be mistaken, to which of his two characters his responsibility may attach. In case his apology

the English clergy. All bodies have their *esprit du corps;* and woe to the member of a corporation who lacks the corporation spirit! He loses caste at once. Arnold, certainly, had no Superstition about the church—theological or political. Its only value, in his eyes, was as a channel for communicating religious knowledge, and as a means of doing more extensive good. His views of the nature of the institution may be gathered from his posthumous Church Fragment—fragment though it be. That he regarded the institution, as he believed that God intended it to be regarded, would be no excuse for him with those who reasoned backwards—not so much from God down to the Church of England, as from the Church of England up to God.

All professions also (including the ecclesiastical) are distinguished by their peculiar faults as well as virtues. It is almost as unprofessional to want the one as the other. Now, Arnold was not only altogether without the common faults of ecclesiastics; but some of his finest qualities were at times in danger of appearing to be unclerical. So that, instead of having the *dulcia vitia*, or sacerdotal weaknesses, which might have been a recommendation to him, his very virtues were of a kind to be turned against him. Then as to his politics. The Church of England, from tradition or by instinct, is suspicious of the Whigs. We are told by Guizot, the historian-statesman, that the Church of Rome has been sometimes the friend of freedom; but the Church of England never. Whig laymen must be endured perforce. But Whig clergymen are more within their power. And, when the phenomenon occurs, his brethren are never long without letting him understand, one way or another, that he is considered by them to be but half a clergyman. The readiness with which reports to his disadvantage are received and circulated, in effect deprives him of the benefit of those presumptions by which, in other cases, reputations are protected. In the vulgar sense of party, nobody could be less of a party man than Arnold. But he was more than a stranger to the doctrine of reserves; and he made no secret of

be true, then during several years was Mr Newman (while he allowed himself to be understood to be speaking in his own character) guilty of treachery towards his readers, and slander towards the Church of Rome. If the apology be not true, what are we to think of those who make it? We believe that Arnold would have died a thousand deaths, before he would have written such a passage. No wonder that his noble, simple-hearted, and truth-loving spirit should have fired at last at such a system of prevarications, practised in such a cause.—(See Primary Charge of O'Brien, Bishop of Ossory and Ferns, September 1842.)

his being a Whig in his general politics, any more than that, if he could have had his way, he would have set about reforming the Church, as vigorously and extensively (to say the least) as Lord Grey had reformed the State.

The predisposition against him, for which we have been accounting, might have slumbered in a semi-torpid state, or might have been restrained within decent bounds by prudent management and conciliating language. But management and prudence, and the soft answer that turns away wrath, were at no time among the instruments with which Arnold worked. On the publication of his pamphlet on 'Church Reform,' he was accordingly turned upon as a traitor to his order. The excitement of the period magnified the danger and the offence. As the danger passed off, the triumphant Tories felt they could afford to be forbearing, and to reduce their antipathy within some proportion to the provocation he had given. All that remained of positive unkindness and injustice went down with him, we doubt not, into his grave. *That*, however, although as much as can be expected in most cases, was not enough in this. Mankind should know the sort of man that Arnold really was; and this Mr Stanley has told us. His *Memorabilia* contain, it is true, no new philosophy. They will found no sect, and gather around them no party. We shall not hear of 'Arnoldites' in consequence. To our mind, they are only so much the more precious and more catholic. Arnold, we are certain, would think so too. For, no man ever lived, less desirous of making proselytes. Witness his kindly letters to a favourite pupil, who caught the Oxford infection, and deserted his following for that of Newman. Once make men of the stamp and mould of Arnold—no matter under what names afterwards they subdivide themselves.

Before proceeding further, we must say a word or two on the materials of this biography. It consists of successive narratives, illustrated by correspondence: on the plan which Mason and Hayley have made so popular by their lives of Gray and Cowper. Excellent as is Mr Stanley's narrative, it is the vivid picture contained in Arnold's letters, which has produced the effects to which we have referred with so much pleasure; and it is on this living picture only, that we rely for those further fruits to which we are sanguine enough to look forward. It is now on towards two hundred years, since Bishop Sprat had the folly to burn Cowley's letters, ('the language of his heart,') on the score of taste, as things too natural and familiar for the world! It was a piece of foppery well becoming that shabby prelate; for which most people of any taste have owed him a grudge ever since. What would he have thought of Swift's Journal

to Stella? or of Pepys, or of Boswell? But the world has lately been appealed to, in a very different spirit, on the more general question. According to this last appeal, the burning was right, but the reason wrong. It ought to have been done, not as a matter of taste but of principle—for, this is the burden of one of the solemn and pathetic revelations from the 'sick-room' at Tynemouth. Nobody can have heard again that well-known voice without deep and melancholy interest; but, however great our sympathy and respect, the peremptory maxim, that any publication of private correspondence must be always an immoral act, is a rigorism and refinement to which we can by no means agree. The question is one, not of obligation but discretion. There will occasionally be base booksellers, and weak or treacherous executors. We are willing to take our chance of them. Multiply them to any amount, yet they are, in our opinion, a far less evil than would have been the suppression of the present volumes. We have a difficulty in believing, that Miss Martineau, on reading them, has not thought so too. If Arnold's letters were merely clever letters, there is enough of pleasant literature in the world to leave us indifferent, or nearly so, whether they had been burned, or whether they had been published. But they embody a Life of moral greatness, bright, simple, and original; and at the same time admirably suited to our age and country, in its spirit and appliance. It would have been a sin to have sacrificed to such a scruple, a book which certainly we nowhere could replace at present; and which, if our children should be less in want of it than we are, will probably be owing as much to characters whom it shall have contributed to form, as to any other cause.

Every man, it has been said, ought to look at his life as at a poem, of which he himself is necessarily the hero. Arnold made his so, more than most people. It was a poem of a severe and heroic cast; pregnant with character, but with fewer incidents in it than even a Greek play. He was born at Cowes in 1795. It followed, almost of course, that he should be brought up at Winchester and Oxford. These, the places of his birth and of his education, he loved to the last with a filial love. He was elected a scholar of Corpus at sixteen—much too young; and, in due course, a fellow of Oriel, then the most wide awake of the Oxford Colleges. He lingered on in the University for three or four happy years, after taking his degree; after which, at the age of twenty-five, he took leave of its public libraries, took orders, married, and settled down to tuition as the business of his life. Up to this time there was little to distinguish Arnold above his contemporaries, except remarkable freedom and honesty of

mind, a more sanguine temperament, and a greater capability of 'growth.' His diamond was of a hard grain, and did not polish readily. The two-and-twenty years remaining to him were, in their outward circumstances, equally commonplace. The first nine of them he passed at Laleham with private pupils —the last thirteen at Rugby as head master. Rapid excursions across the Continent in the summer, or, latterly, short visits, winter as well as summer, to Fox How, (a house he had built himself in Westmoreland, as the home of his holidays and his old age,) was all the change his monotonous existence could admit of. Now, however, the period was at hand to which he had from the first looked forward for his release from his labours as a schoolmaster, and for sufficient leisure to do justice, as an author, to himself, and to the great subject of Christian politics, the idea of his life. Alas! not so. His release came in another form. In the summer of 1842, on the morning of the 12th of June, the angel of death stood suddenly before him! There was no need to delay to strike, for the purpose of preparation. If it had given him years of warning, it could not have found him more prepared.

Our readers must pass a day with Arnold. They will see of how homely and plain a thread, to all appearance, it was composed. Only, to make it more impressive, the day we will choose shall be his last. It differs in itself in no respect from other days, except as it is more of a holiday, since it happens to be also the concluding day of the half-year. On the morrow he was to shake his wings for Westmoreland. The morning is taken up with an examination in 'Ranke's History of the Popes.' Then come the distribution of prizes, the taking leave of the boys who are going, and all the mechanical details of finishing for the holidays; his usual walk and bathe follow; dinner next; where he talked with great pleasure to several guests of his early geological studies under Buckland, and of a recent visit to Naseby with Thomas Carlyle. An interval in the evening leaves room for an earnest conversation with an old pupil, on some differences in their views of the Tractarian theology; after which, the day rounds off with an annual supper to some of the sixth-form boys. Arnold retired to bed, apparently in perfect health. But before laying down his head upon the pillow, from which he was never more to raise it, he put his seal upon this busy and cheerful day by an entry in his diary, which (reading it as we now read it) seems of prophetic import. Yet, in truth, these transitions had become so familiar to him, that in passing from what was most secular to what was most spiritual, he was hardly conscious of the change. He kept the communication between this world

and the next so freely open—angels ascending and descending—that he blended the influences of both—of things temporal and things eternal, into one consistent whole :—

'*Saturday Evening, June* 11.—The day after to-morrow is 'my birthday, if I am permitted to live to see it—my forty-'seventh birthday since my birth. How large a portion of my 'life on earth is already passed. And then—what is to follow 'this life? How visibly my outward work seems contracting 'and softening away into the gentler employments of old age. 'In one sense, how nearly can I now say "Vixi;" and I thank 'God that, as far as ambition is concerned, it is, I trust, fully 'mortified. I have no desire other than to step back from my 'present place in the world, and not to rise to a higher Still 'there are works which, with God's permission, I would do 'before the night cometh; especially that great work, if I might 'be permitted to take part in it. But, above all, let me mind 'my own personal work, to keep myself pure, and zealous, and 'believing—labouring to do God's will, yet not anxious that it 'should be done by me, rather than by others, if God disap-'proves of my doing it.'

What a midnight epitaph! How ominous and unconscious! How tender and sublime! He woke next morning, between five and six, in pain. It was *angina pectoris.* At eight o'clock he was dead!

It is the combination we admire so much in Arnold—the moral greatness, which was his first nature; and the Christian greatness, which was his second. By the first he was born more allied unto St Paul; by the second he became of kindred with St John. Yet did they not live in him as two natures, but were most truly one. On the one hand, all the riches of the Christian graces being so cultivated and ploughed down, as it were, into his thoughts and feelings, as to be made a part of his very self; while, on the other, Christianity itself was seen in him to spread its branches wider, and to lift them nearer up to heaven, from the natural richness of the soil. The religion of ordinary men is either a form of words—the repeating of what they call a creed—or is something in which, when they attempt to put it into action, we find much more of earth than heaven. It has raised them a little. They have lowered it a great deal more. Yet it may have made the most of them, and they of it, that the case allowed of. This is the spiritual condition of most men—the spirit sadly weaker than the flesh. There is another and opposite extreme; one, in which the natural and the human altogether disappear in the supernatural and super-

human; in which the spirit wrestles with the natural man in aspirations, dreams, and visions—shuts him up in monasteries, carries him to solitary places and distant lands; and extinguishes human affections and obligations by the weight, and the transport, and the glory of the divine. The lives of the saints (Roman Catholic or Protestant) are usually of this description. We have glimpses of their beatifications—or full-length portraits. But they belong to a world into which we can no more follow them, to live there with them, than into fairyland. Flights above our ken (so much the more shame to us, perhaps) are beyond our sympathy. We have not enough in common.

In the vast space between these two extremes, there should be some point which will be the proper point of elevation for the most advanced Christian—that is, for the best form of human nature made spiritual—that is, compatible with the exigencies of our imperfect state. We may differ with Arnold in the view he took of this or that subject, from the height to which he soared. But the height itself appears to us to be the perfect point to which mortal man can safely venture to aspire: Never so high as to be out of sight of earth, yet always high enough to be in sight of heaven. If the elements with which Christian philosophy is most immediately concerned, are reduceable to two—the will of Man and the will of God—Arnold did not endeavour to approximate them to each other by metaphysical speculations. It is intimated he was incapable of doing this. It may be so. But he took, we think, a surer course. He went at once to Christ. Not seeming to have studied Christianity out of books, but to have personally known and dwelt with Christ: to have drawn so near to Him, that in the abiding sense of that companionship, his life was not so much the life of a follower in these distant times, as that of a disciple who had waited on the very ministry of our Saviour; one who listened to Him on the Mount and in the Temple, and had stood beside Him at the Cross. Arnold's historical imagination would assist him here. It made things past re-appear before him as things present. But the gifted vision would have only been a brilliant day-dream, unless the faculty of Moral growth and assimilation had also been of equal power. For instance, he tells us, that one of the improvements he had had to work out in his own nature, was to enlarge it from its early state—in which he might have made idols of Truth and Justice—into a more perfect temple, where Tenderness, Humility, and Reverence were also worshipped. How did he do this? Less by setting before him Christ's precepts as a system, than the life of Christ as an ex-

ample. For 'Christ alone cannot be made an idol, because He 'combines all ideas of perfection in their just harmony.'* In the same manner, when some one in his family placed St Paul above St John, he burst into tears! as if a wrong had been done in his presence to a bosom friend. 'Blessed are they who have 'not seen and yet have believed,' were among his dying words; and, by believing and by living as confidently as if he had really seen, he can only have made the blessing more surely his.

There are many forms of moral greatness, natural or acquired: the natural being rather the spontaneous growth of an inborn genius for virtue—the acquired being the comparatively slower product of circumstance and of effort. Arnold was a stout believer, not only in the physical distinctions of race, but in moral breeds; and willingly accounted for the opposite views taken by himself and some of his friends on political and religious questions, by the individual complexion of their several constitutions. The natural direction of his own genius lay towards the sublimer virtues. By the side of other virtues, those of Truth and Justice have an almost colossal air; and he was aware himself that the tendency of his mind ('taken at its best') was to exaggerate these *Basaltic* virtues even beyond their proper grandeur. His Laleham sermons (he regrets) were thought hard and severe. Upon this part of his nature, as on a rock, were built the strongholds and the keep—the massive walls and towering battlements of his moral structure. Hence, for himself, his readiness to leave Laleham, as too much and too soon a home; his cry of 'Forwards, forwards!'—this is not the time or place for rest but energy; his longing, as life rose every year more and more before him in its true reality, to have intercourse with those who took it in earnest; his protests against the strange existence that he would have to lead, if he were to shape his conduct to propitiate gossip; and his entire indifference to the opinion of people, unless he had reason to believe them good and wise. Hence, for his children—his craving that they might have a *strong* mind; for this reason, that it would give them a better chance of appreciating truth keenly, and consequently of find-

* In this sense, in the Dissertations which he proposed annexing to an edition of the three Pastoral Epistles, he intended dwelling on the doctrine of the Person of Christ, as the proper cure and positive opposite of all the idolatries of the Oxford Judaizers:—'Not His church, 'not His sacraments, not His teaching, not even the truths about Him, 'nor the virtues which He most enforces, but Himself: that only object, 'which bars fanaticism and idolatry on the one hand, and gives life and 'power to all morality on the other.'

ing honesty comparatively easy: his prayer, that God would grant them an unshaken love of truth, and a firm resolution to follow it for themselves, with an intense abhorrence of all party ties—save that one tie, which binds them to the party of Christ against wickedness. Hence, too, with regard to others—his exalted estimate of thoughtful characters; his contempt for the hangers about on life; his sense of the necessity of a profession, almost for keeping a man honest; his abhorrence of the profession of an advocate, upon the usual maxims of English lawyers; his compassion for neutral minds, incapable of receiving such impressions of true and right as can overcome our natural state of indolence and fear; and his conviction of the necessity of subordinating literary pursuits, as well as every other, to a clearly perceived Christian end. 'The house is spiritually empty, so 'long as the pearl of great price is not there; although it may be 'hung with all the decorations of earthly knowledge.'

The basis of Arnold's *morale* reminds us of all we know of that of another celebrated schoolmaster, (not very popular in his day, and no great favourite with such churchmen as Mr Froude in later times,) we mean John Milton. There is the same purity and directness about them both, the same predominance of the graver, not to say sterner elements, the same confidence, vehemence, and elevation. They both so lived in their 'great task-'master's eye,' as to verify Bacon's observation in his Essay on Atheism;' made themselves of kin to God in spirit, and raised their nature by means of a higher nature than their own. If men were as excitable by the example of the sublime in character as by the sublime in imagination, they would rise up from the contemplation of a certain greatness of soul, as Bouchardon the artist rose from Homer, when he rushed to the Comte de Caylus, his eyes on fire, declaring every body he met seemed taller than before. Were we to stop here, what was formerly said of Cato would be equally true of Milton and of Arnold. Nobody could wish either of them *aut fortior aut justior aut temperantior*—but *paulo ad lenitatem propensior*, very possibly. Yet here, we are afraid, we must stop with Milton's portrait. The hardy virtues make only half a character; and *his* countenance—from the first 'severe in 'youthful beauty'—appears to have grown more formidable as he grew older, and to have contracted a little of the darkness, if not the fierceness, of his times. We dare not venture to desire a fuller picture of his domestic life than has come down to us. How different in this respect was the life of Arnold! And, to know him to the life, we have only to view him in his Letters. Reading them is, for the time, to live with him, to breathe the air he breathes, to follow him at his goings out and comings in,

to rise and fall with the ebb and flow of his everyday thoughts and feelings.

One of their greatest charms is the happiness which shines out in them at every corner of his transparent being. The groundwork, which from a distance may have looked cold and rugged, brightens up as we approach—an equal warmth and movement being diffused through every part of it, and a singular variety of light and colour passing over it. We have seen it objected, indeed, that he was too happy! About as rational an accusation as that of his being always a boy—except in the sense in which it was imputed to the Greeks. If the constitution of our modern Wicliffe can with truth be called Lutheran and German, it is a compliment of which Luther need not be ashamed, and of which Luther's country may well be proud. There could be no fear surely, but that his mirth would be of a sufficiently sober and becoming kind. He himself recurs to the entire happiness which he was tasting day after day and year after year, as something startling, something more than humbling, at times even fearful. On one occasion, speaking of five weeks passed with his family at Ambleside, he calls it an 'almost awful happiness.' On another, he observes that the word *happy*, at his time of life, must have a *weighty* meaning. To the mind of most people, the sight of innocent happiness, however simple, is always loveable. But great happiness, joined to a life of great responsibility and goodness, is the privilege of that wisdom which winneth souls. If the austere Dante esteemed it no light form of suicide, to be unhappy without a cause—we cannot be wrong in feeling, that Arnold's character would not have been complete, if, on coming down from its high places and mountain-tops, we had not found a smiling valley at the bottom, and green pastures and running streams. The effect of both is increased a hundredfold, when, side by side with his more serious and contentious correspondence, scenes of a livelier and softer kind are constantly dropping in. This could only have been accomplished by the hearty co-operation of all parts of his constitution; the animal and intellectual drawing well together with his general tastes and genial affections. His body as well as mind were eminently healthy. Work, under which less vigorous systems would have broken down, was to him an exercise and a pleasure—his morning's gallop. His spirits, too, had all the freshness of the morning. He thought liveliness one of the first qualifications of a schoolmaster. His time was passed with boys of all ages, from necessity. But it had been a necessity of his own choosing; and he would have chosen it again. For, notwithstanding his sensitiveness to their faults, he had a thorough fellow-feeling with their impressible and elastic tem-

perament, was very fond of the society of young people, and lived among them, himself as young. In the character of his mind, too, he had the good fortune to combine some of the advantages of youth with those of maturer years. His understanding was essentially progressive; and at the same time was of that positive and manly sort, which, more perhaps than any other, is the source of personal enjoyment to its possessor. He delighted in great principles and large views; and, without stopping to clear the ground of all the difficulties by which a case might be embarrassed, came rapidly to a conclusion upon its substantial merits. But, what was more than this, his favourite pursuits were of a kind to keep the communication between his understanding and his moral nature always open. So instantaneous and electrical was the intelligence between them, that (questionable in some instances as we may think the saying—'Great thoughts come from the heart') there cannot be a doubt but that this was the case with him. His eloquence was in his earnestness; from his whole heart and soul being upon his lips. He wrote off his sermons, and preached them while the ink was almost wet, fresh and fresh—he could preach no others to the boys. They have, in consequence, a more distinct and perfect impress of the preacher on them than any we ever met with; issuing forth in their flowing language as from a fountain, with all the facility and fearlessness of spoken words. As Cowper's sweetest poems are transcripts in verse of his letters and daily life, Arnold, on going up into the pulpit, put on no new person—he had only to change his gown.

The fine arts did not contribute much to the lightening of Arnold's labours—music not at all. But among the pleasures which he received so vividly into his vivid nature that they became almost entitled to a higher name, was his enjoyment of beautiful scenery; and not only of that, but of any sort of country rural enough to find him in wood anemones and wood sorrel. No extravagant demand this; yet more, it seems, than Rugby, with its fat pastures and thirteen cattle fairs, could supply. From the outbreaks of delight in his journals and his letters, we learn the working of the charm by which, when he was most exhausted, a few weeks in Italy or Westmoreland refitted him for the drudgery of Rugby. Whether it was the poetical beauty of Paris, (?) of Como, or the Apennines, which enchanted him—or the long historical tapestry which unrolled before him, as he descended upon the Rhine and the Tiber, at Cologne or at Rome—or whether he was rambling over Loughrigg, 'more beautiful than 'Epicurus's garden,' or by the basin on the summit of its ridge, 'the very image of the *saltus* on Cithæron, where Œdipus was 'found by the Corinthian shepherd—

"His were the mountains, and the valleys his,
And the resplendent rivers: his to enjoy,
With a propriety that none can feel
But who, with filial confidence inspired,
Can lift to Heaven an unpresumptuous eye,
And smiling say, 'My Father made them all.'"'

How much of the softening of his character he himself attributed to the reverence, humility, and tenderness engrafted on it by means of this relationship, and how much of his joy it constituted, we have already seen. And God forbid that a syllable of this testimony should pass away! But, next to this, and far beyond all other causes, the chastener and sweetener of his more grand and imposing attributes was his own truly loving and human heart. Archbishop Whately observes (and no person saw more of him in the many lights in which he might be seen) that 'he 'was attached to his family as if he had no friends, to his friends 'as if he had no family, and to his country as if he had no friends or 'relations.' We call the Archbishop as a witness only; for we object, as Arnold would, we think, to the moral of these antitheses. People who knew him only by his uncompromising steadiness to his principles, and by his unflinching moral courage, have supposed him imperturbable and of iron. On the contrary, he frequently appears in his Letters but too susceptible. It was a noble error; but his religious feelings at times* obscured his

* We have unconsciously been using the same words which Arnold used in describing Keble—an infinitely stronger case, apparently. For, although Arnold could probably never have so interchanged natures with any body, not a Christian, as to make them complete and confiding friends, yet the *res publica* upon which this *idem sentire* was a condition to his friendship, was Christianity in its widest meaning. He would never have hesitated in making a new friend, far less have been chilled a moment towards an old one, by differences about the Church. 'I learned (1841) 'the especial grounds of Keble's alienation from me; it appears that he 'says that "I do not believe in the Holy Catholic Church." Now, that 'I do not believe in it, in Keble's sense, is most true. I would just as 'soon worship Jupiter; and Jupiter's idolatry is scarcely further from 'Christianity, in my judgment, than the idolatry of the Priesthood.'—(Letter 235.) But differences like these, however multiplied and exaggerated, were, in his judgment, no proper grounds of separation between friends. 'Keble, I am sure, has ascribed to me opinions which I never 'held; not, of course, wilfully, but because his sensitiveness on some 'points is so morbid, that his power of judgment is *pro tanto* utterly 'obscured. The first shock of perceiving something that he does not 'like, makes him incapable of examining steadily, how great or how 'little that something is.'—(Letter 252.)

judgment; at least we think so. The same, to a certain extent, in other cases. For if he was not one of those whose words may be always taken literally, the difference between the letter and the spirit will truly represent the space to which his feelings sometimes ran ahead of his more deliberate reason. Since, assuredly, his feelings, more than his reason, prompted many of the passionate expressions in which he again and again repeats his alarm at the state of the country—his despair about the Church—his agony of sympathy with the Poor—his feverish dread of Conservatism—his fits of despondency when the school goes wrong—and his yearnings to be reconciled to friends who had chosen to be scandalized at his opinions. Honourable as those feelings are, more than once have we felt tempted to exclaim, 'These things must not be thought of, after this fashion.' None of them thought about so vehemently; and, perhaps, the last not thought about at all.

While we think Arnold mistaken in more than one instance, we cannot explain his errors by attributing them (as some people have done) to want of time or want of understanding. It was not, that he was preoccupied by his school; still less that his mind was not adapted to the discovery or appreciation of any of the truths he missed. For—admitting that every case has two sides to it, or more—it seldom happens that two kinds of understanding are necessary for seeing them: Nor can we in the least perceive, how one species of capacity was wanted for the instances in which we think him right, and another for the instances in which we think him wrong. We could wish also, that Arnold had been occasionally more slow and sceptical, more purely intellectual and judicial, in both the formation and the delivery of his opinions. But there was not an atom of arrogance in the clearness and confidence of his convictions; nor of personal animosity and ill-will in his ardent utterance of them. The ardour of his disposition accounted for all his faults. Burke was not more governed by his imagination, than Arnold often by his feelings. It must have required extraordinary rectitude of purpose and force of character to keep them right. A subject soon got possession of him. His first impressions were sure to be deep ones. The views with which he became familiar, gradually grew in strength and acquired ascendency over him. His compact and united nature (in spite of all the help he might get from Aristotle) could do nothing by halves, but rushed onward to the furthest point. He was naturally in extremes. Whatever it was on which he was engaged, he threw himself headlong into it, almost bodily, as into a volcano; from whose depths forth he came again—argument and sentiment, emotion

and burning words—rolling and thundering, and fused together like lava down a mountain side.

Our admiration of Arnold's abilities cannot blind us to the fact, that his temperament exposed him, more than usual, to the ordinary infirmity of underrating the case of his opponent and overrating his own. In anticipating what might be his judgment upon a question, we should always choose therefore to reserve to ourselves a right of revision, however seldom we might find occasion for reversal. His mind had so many windows open in it; he travelled so fast, welcoming all impressions, looking from such high points, and stretching over such distances, judging for and speaking from himself rapidly and unreservedly, that it is impossible he should not have wandered sometimes into speculations, singular, fanciful, and crude. But his motives were always admirable, and his opinions entitled to great consideration; not only for the sake of the principles on which they were founded, but also from the logical clearness of his deductions, and the systematic coherence of his conclusions. Our admiration of the integrity, the candour, and the charity of Arnold, is even greater than our admiration of his talents. Nevertheless, looking at the weakness of the world, and at the proneness to misapprehend, we would now and then have interposed, to check the torrent of his indignant expostulation, and put a muzzle, or something like one, on the terrors of his style. Yet the bark was worse than the bite; or rather, there was no bite at all. It would be an infinitely worse mistake than Arnold ever fell into, were more guarded natures to interpret the vehemence of his controversial language into bitterness or invective. For there was no spleen of temper, or art of rhetoric in it. On the contrary, it was one of the natural effects of his being so much in earnest. It belonged to the same devotion to his immediate subject, and to the same mobility and depth of feeling, which (as is seen in cases without number throughout these Letters) were characteristic of the man, whatever was the topic—whether refutation and remonstrance, or tenderness and tears.

Of the extent to which the soundness and sobriety of some of Arnold's opinions were disturbed by the intenseness of his religious feelings, we shall have occasion to speak, a little further on. But at times his mind was as much thrown off its balance by the state of public affairs. From his fondness for history, political things had as great a reality to his mind as things of private life; and the life of a nation became as distinct as that of an individual. What then must have been his dismay, when he saw a roll of lamentations, written from within and from without with woe, hanging over the land? To his eye, the day of the Lord was

coming—the termination of one of the great æras of the human race, a period of fearful visitation, to terminate the existing state of things. Ours was a city of destruction—'Too late!' were the words to be affixed to every plan for reforming society in England. The state of the times was so grievous that it really pierced through all private happiness, and haunted him daily like a personal calamity. He felt the state of public affairs so deeply, that he could not bear either to read, or hear, or speak, or write about them. Only, if the judgment was not now as surely fixed as that of Babylon, he would commend them to the care and deliverance of God.—(1839.)

His despair about the Church was as exuberant. His abhorrence of the doctrine of the priesthood had been proportioned to the earnestness of his desire for the revival of the Curch. But the Church, in his view of it, was so utterly dead, that in contrasting Easter-day and Whitsunday as the respective birthdays, (the one, the birth-day of Christ's religion—the other, that of the Christian church,) he celebrated Easter-day with joyful feelings, as the birthday of a living friend—Whitsunday in sorrow, as the birthday of one deceased; and of a friend so dear, to whom so much had been committed, and on whom so many hopes had rested, that it was grievous to survive. 'When I think of the 'Church, I could sit down and pine and die!'—(1840.) Nothing at last seemed left but to adjourn the idea of the Church *sine die;* and to cling, not from choice but necessity, to the Protestant tendency of laying the whole stress on the Christian religion.—(1842.)

His sympathy with the distresses of the lower orders ranged as wide. The difficulty of making all the inhabitants of a country what free citizens ought to be, was one thing. Our monstrous state of society, without a parallel in the history of the world, was another. With the French Revolution—its causes and effects—before them, the rich in England had made themselves and the poor *two orders;* had put asunder those whom God had joined, and are now living among a miserable and discontented population, whom they treat with all the haughtiness and indifference of slaves—allow to be slaves in ignorance, yet whom, since they must call them freemen, they cannot chain or watch to prevent from rising. From accidental circumstances, the condition of railway navigators and cotton operatives may look the worst, and is soonest seen; but the evil exists in every parish in England; and there must be a reform in the ways and manners of every parish, to cure it. With these social evils uncorrected, it is wild to talk of schools and churches. 'No one 'seems to me,' he observes in a letter to his sister, 'to under-

'stand our dangers, or at least to speak them out manfully. 'One good man, who sent a letter to the *Times* the other day, 'recommends that the clergy should preach subordination and 'obedience. I seriously say, God forbid they should! For if 'any earthly thing could ruin Christianity in England, it would 'be this. If they read Isaiah, and Jeremiah, and Amos, and 'Habakkuk, they will find that the prophets, in a similar state 'of society in Judea, did not preach Subordination only or chiefly, 'but they denounced Oppression, and amassing overgrown pro-'perties, and grinding the labourers to the smallest possible pit-'tance; and they denounced the Jewish high-church party for 'countenancing all these iniquities, and prophesying smooth 'things to please the aristocracy. If the clergy would come 'forward as one man, from Cumberland to Cornwall, exhorting 'peaceableness on the one side, and justice on the other, denoun-'cing the high rents and the game laws, and the carelessness 'which keeps the poor ignorant, and then wonders that they are 'brutal, I verily believe they might yet save themselves and the 'state.'—(*Letter* 17.) On the same principles, he summoned every individual, still more every clergyman, and most of all, every clergyman in a public situation, to express publicly and decidedly their admiration of the French Revolution of 1830, and their hearty sympathy with a noble cause and a noble nation. Unluckily, in the untoward position of the English clergy, it is not easy for them to answer such a call. 'But 'our Church bears, and has ever borne, the marks of her birth. 'The child of Regal and Aristocratical selfishness and unprin-'cipled tyranny, she has never dared to speak boldly to the 'great; but has contented herself with lecturing the poor. '"I will speak of thy testimonies, even before Kings, and will 'not be ashamed," is a text which the Anglican church, as a 'national institution, seems never to have caught the spirit of. 'Folly, and worse than folly is it, to think that preaching what 'are called orthodox doctrines before the great, is really preach-'ing to them the gospel.'—(*Appendix*, 371.)

Nobody could be less of a party man (in the English use of the word) than Arnold. He called himself an absolute political Ishmaelite; and felt not only that our rival parties would disown him; but that, if he had two necks, they would possibly hang him up by both. The soul of his politics was the duty of development and of progress. Accordingly, the political feeling most predominant in him, was a dread of Conservatism, and of the violent reaction which must follow from it. The dread was grounded upon firm and eternal principles: But we cannot think the consequences so imminent as to justify all his terror. Ac-

cording to his philosophy of parties, the two real parties in human nature were, the Conservatives, who were always looking backward, and who contented themselves with preserving existing things; and the Advancers, who were always looking forward. Of these, Advance must be always the true principle in a corrupted world, and Christianity its most perfect form. Conservatism, on the other hand, must be always wrong; so thoroughly wrong in principle, that even when a particular reform might be by no means the best possible, yet it would be good as a triumph over Conservatism. Conservatism may be sometimes ultra-democracy, as with Cleon at Athens; sometimes aristocracy, as in Rome and England. Advance may be sometimes despotism, (he instances Louis Philippe and Guizot,) sometimes aristocracy. But it will always keep its essential character of advance; will always be taking off bonds, removing prejudices, altering what is existing. Conservatism, therefore, is far worse than Toryism, if we mean by Toryism only a fondness for monarchical, or even for despotic government. Under all forms of government it is equally the enemy of all good. Yet, of all its forms, aristocracy was, he thought, the worst. As a predominant element in a government, whether it be aristocracy of skin, of race, of wealth, of nobility, or of priesthood, it was, to his mind, the greatest source of evil throughout the world; for it had been the most universal and most enduring. 'As I feel 'that of the two besetting sins of human nature—selfish neglect 'and selfish agitation—the former is the more common, and has 'in the long run done far more harm than the latter, although 'the outbreaks of the latter, while they last, are of a far more 'atrocious character; so I have in a manner vowed to myself, 'and prayed that, with God's blessing, no excesses of popular 'wickedness, though I should be myself, as I expect, the victim 'of them, no temporary evils produced by revolution, shall ever 'make me forget the wickedness of Toryism—of that spirit 'which has, throughout the long experience of all history, continually thwarted the cause of God and goodness.'—(*Letter* 47.)

He had little sympathy with the 'historical liberty' which grew out of the system of the middle ages. It was the child of accident; never ascended to general principles; saw no evils till the time for remedying them was past; and left us, with the Poor and the Church in their present state—melancholy proofs of the folly of what is called 'letting well alone.' He poured out his fears to Archbishop Whately in 1831. 'If I were 'indeed a Radical and hated the Church, and longed for a 'democracy, I should be jolly enough, and think that all was 'plain sailing: but as it is, I verily think, that neither my

'spirits, nor my occupation, nor even spearing itself (one of his 'favourite amusements) will enable me to be cheerful under such 'an awful prospect of public evils!' Afterwards, speaking of Peel's administration of 1835, he says: 'The late extraordinary 'revolution has shown the enormous strength of the aristocracy, 'and of the corrupt and low Tory party; one sees clearly what 'hard blows they will not only stand, but require; and that the 'fear of depressing them *too much* is chimerical. A deeper fear 'is behind; that, like the vermin on the jacket in Sylla's apo-'logue, they will stick so tight to the form of the constitution, 'that the constitution itself will at last be thrown into the fire, 'and a military monarchy succeed. . . . . But of one thing 'I am clear, that if ever this constitution be destroyed, it will 'be only when it ought to be destroyed! When evils long neglect-'ed and good long omitted, will have brought things to such a 'state, that the constitution must fall to save the commonwealth, 'and the Church of England perish for the sake of the Church 'of Christ. Search and look whether you can find that any 'constitution was ever destroyed from within, by factions or 'discontent, without its destruction having been, either just 'penally; or necessary, because it could not any longer answer 'its proper purposes. And this ripeness for destruction is the 'sure consequence of Toryism and Conservatism, or of that base 'system which, joining the hand of a Reformer to the heart of a 'Tory, reforms not upon principle but upon clamour; and there-'fore both changes amiss, and preserves amiss—alike blind and 'low-principled in what it gives and what it withholds: And there-'fore I would oppose to the utmost any government predomi-'nantly Tory, much more one exclusively Tory, and most of all 'a government at once exclusively Tory in heart, and in word 'and action simulating reform. Conceive the Duke of Ormond 'and Bolingbroke, and Atterbury and Sir W. Wyndham, in-'trusted with the administration of the Act of Settlement.'—(*Letter* 82.)

Again, eighteen months later, when the Whigs had returned to power. 'We are threatened by a most unprincipled system 'of agitation—the Tories actually doing their best to Jacobinize 'the poor, in the hope of turning an outbreak against the Whig 'government to their own advantage.' . . . . 'It is non-'sense to talk of its being a struggle between the aristocracy and 'the people; if it were so, it would be over in a week, provided 'they mean by the aristocracy the House of Lords. It is really 'a great contest between the adherents of two great principles, 'that of preserving and that of improving: and he must have 'studied history to very little purpose, who does not know that,

'in common circumstances, the former party is always the most 'numerous and the strongest. It gets occasionally overpowered, 'when it has had rope enough given it to hang itself; that is, 'when it has carried its favourite conservatism to such a height, 'that the mass of unreformed evil becomes unendurable, and then 'there comes a grand reform. But, that grand reform once 'effected, the conservative instinct again regains its ascendency, 'and goes on upon another lease: And so it will ever do, unless 'some rare circumstance enables a thoroughly enlightened 'government to remain long in power: And as such government 'cannot rely on being popular—for reform of evil in the abstract 'is gall and wormwood alike to men's indolence, and love of 'what they are used to, as to their propensities for jobbing—so 'it is only accident or despotism that can keep it on its legs. 'This is the secret of the Tory reaction; because men are all 'Tories by nature when they are tolerably well off; and it is 'only some monstrous injustice or insult to themselves, or some 'atrocious cruelty, or some great reverses of fortune, that ever 'make them otherwise. Now I cannot foresee any question 'likely to arise, on which the government can strongly interest 'the public mind in England in their favour. Certainly it will 'not be on the Irish Church or Corporation questions, because 'the English people do not care about Ireland, nor, to say truth, 'about any people's rights except their own: And then there is the 'whole fanatical feeling against the government—and fanaticism 'is a far stronger feeling than the love of justice, when the wrong 'is done not to ourselves, but to our neighbour. Therefore, I 'think that, as it always has been, the Reformers will be beaten 'by the Conservatives; and then the Conservatives will again go 'on coiling the rope round their own necks, till, in twenty years 'time, there will be another, not reform I fear, but convulsion. 'For, though the Reformers are a weak party, the Destructives 'are not so; and all evils, whether arising from accident, or folly, 'or misgovernment, serve their purpose.'—(*Letter* 128.)

We believe all this to be as true in principle as the Gospel. But we trust in God for a better issue. The danger is begining to be a *felt* danger. It was not the Duke of Wellington or Sir Robert Peel, who, he thought, would do the harm; but the base party which they would bring in their train. The head, however, for once, seems likely to be master of the tail. And the tail of lords, country gentlemen, and clergymen, of whom he was afraid, is by this time ten times more apprehensive of its head than Arnold was himself. Besides, good men are stirring themselves without regard to party. Above all, a juster

feeling about Ireland is making way. O'Connell has created it. We hope he will not destroy it.

School anxieties disturbed him at times more keenly even than political speculations. He went to Rugby, in the first instance, with a full knowledge of the difficulties of the case, and with a stronger impression of the 'wickedness of young boys' than our own experience would warrant. The management of them, however, had all the interest, he said, of a great game of chess—with living creatures for pawns and pieces, and your adversary, in plain English, the devil; who truly played a very tough game, and was very hard to beat, (1830.) Still, in spite of the interest, or by reason of it, his heart often sank within him —wearied out by the exceeding unpoeticalness of boys, (on which account, we suppose, he considered showing them mountains 'a great point in education,') and by their low average of capacity; by their growing childishness—which he did not know what to ascribe to, except to the growing number of exciting books of amusement, Pickwick, Bentley's Miscellanies, &c.; by the weaknesses of mediocrity and dulness—weaknesses far more perilous in youth than the temptations of intellect; by that careless unimpressiveness, which beat him all to pieces; by the pure cowardice of the neutral and undecided, (the great majority,) who swam with the stream, and took part with evil on any trial. When the trials came, he was so sickened by them as to feel it hard not to throw up the cards in despair, and upset the table. The nakedness of boy nature made it easy for him to understand, on these occasions, how there could not be found so many as ten righteous in a whole city. Nevertheless, it was not in his nature to give way. At the cheering sight of the few good, he stuck to the ship again, and had another good try at getting her about. But all his moral courage could not prevent him from exclaiming—'If this 'goes on, it will end either my life at Rugby—or my life altogether. . . . I look round the school, and feel how utterly beyond 'human power is the turning any single human heart to God. 'Some heed and some heed not, with the same outward means. 'I have many delightful proofs that those who have been here, 'have found, at any rate, no such evil as to prevent their serving God in after life; and some, I trust, have derived good 'from Rugby. But the evil is great and abounding, I well 'know; and it is very fearful to think that it may to some be 'irreparable ruin.'—(*Letter* 227, 1840.)

This is, by no means, an encouraging picture of a public school. Yet it is the picture as drawn by Arnold; and it describes the

state of things in what he is universally admitted to have made the most moral and religious school in England. There had been some favourable circumstances from the beginning. On his first coming, in 1829, he characterizes his new pupils (the sons of quieter parents from the midland counties) as having far less ὕβρις and more εὐήθεια than the boys of any other school he ever knew; and 'thus were more open to instruction, and had less repug-'nance to be good because their master wished them to be so.' Did he afterwards darken the colouring, in his despondency? Or, is his latter picture (the fruits of his long experience) to be taken for a true account of the school, as represented by the majority? In this case, must not the reward of Arnold's singular capacity and zeal be understood to have been confined, after all, to a certain number of eminent exceptions, whom it would be a gross delusion to designate as the school?

Some people's tears lie nearer their eyes than those of others. Arnold's tenderness was in his heart. The gushing affection of that brave, and innocent, and trusting heart, was surely worth the having: Yet so lightly was it held by some to whom he felt most warmly, so sorely was he tried by their estrangement, so lowly did he humble himself before them for the recovery of their love, that many of the Letters in which he touches upon these failing friendships, are the saddest in the book. To think of Arnold having to complain of men who, on account of his opinions, had behaved towards him just as they might have done (being kind-hearted and affectionate men) if he had committed some great crime, which rendered respect or friendship impossible, though old kindness might still survive it!

We must give one or two of these letters. His temper, sense, and kindliness, nowhere appear to more advantage.

'It grieves me to be so parted as I am from so many men with whom I was once intimate. I feel and speak very strongly against their party, but I always consider the party as a mere abstraction of its peculiar character as a party, and as such I think it detestable; but take any individual member of it, and his character is made up of many other elements than the mere peculiarities of his party. He may be kind-hearted, sensible on many subjects, sincere, and a good Christian, and therefore I may love and respect him, though his party as such—that is, the peculiar views which constitute the bond of union amongst its members—I think to be most utterly at variance with Christianity. But I daresay many people, hearing and reading my strong condemnations of Tories and Newmanites, think that I feel very bitterly against all who belong to those parties; whereas, unless they are *merely* Tories and Newmanites, I feel no dislike to them; and in many instances love and value them exceedingly.'—(*Letter* 142.)

So, in a letter to Mr Justice Coleridge—

'My dear Friend,—I know and feel the many great faults of my life and practice, and grieve more than I can say not to have more intercourse with those friends who used to reprove me, I think to my great benefit—I am sure, without ever giving me offence. But I cannot allow that those opinions, which I earnestly believe, after many years' thought and study, to be entirely according to Christ's mind, and most tending to His glory, and the good of His church, shall be summarily called heretical; and it is something of a trial to be taxed with perverting my boys' religious principles, when I am labouring, though most imperfectly, to lead them to Christ in true and devoted faith; and when I hold all the scholarship that ever man had, to be infinitely worthless in comparison with even a very humble degree of spiritual advancement. And I think that I have seen my work in some instances blessed; not, I trust, to make me proud of it, or think that I have any thing to be satisfied with, yet so far as to make it very painful to be looked upon as an enemy by those whose master I would serve as heartily, and whom, if I dare say it, I love with as sincere an affection as they do.'—(*Letter* 92.)

Again—

'I suppose it is that men's individual constitution of mind determines them greatly, when great questions are brought to a clear issue. You have often accused me of not enough valuing the Church of England—the very charge which I should now be inclined to retort against you. And in both instances the charge would have a true foundation. Viewing the Church of England as connected with the Stuart kings, and as opposing the "good old cause," I bear it no affection: viewing it as a great reformed institution, and as proclaiming the king's supremacy, and utterly denying the binding authority of general councils, and the necessity of priestly mediation, you perhaps would feel less attached to it than I am. For, after all, those differences in men's minds which we express, when exemplified in English politics by the terms Whig and Tory, are very deep and comprehensive; and I should much like to be able to discover a formula which would express them in their most abstract shape. They seem to me to be the great fundamental difference between thinking men; but yet it is certain that each of these two great divisions of mankind apprehends *a* truth strongly; and the kingdom of God will, I suppose, show us the perfect reconciling of the truth held by each. I think that, in opinion, you will probably draw more and more towards Keble, and be removed further and further from me; but I have a most entire confidence that this, in our case, will not affect our mutual friendship, as, to my grief unspeakable, it has between old Keble and me; because I do not think that you will ever lose the consciousness of the fact, that the two great divisions of which I spoke are certainly not synonymous with the division between good and evil; that some of the best and wisest of mortal men are to be found with each; nay, that He who is our perfect example. unites in Himself, and sanctions the truths most loved, and the spirit most sympathized in by each; wherefore I do not think

that either is justified in denouncing the other altogether, or renouncing friendship with it.'—(*Letter* 249.)

'I agree with you as to the general principle, that Oxford elections should not be decided on party grounds. But then this Newmanism appears to me like none of the old parties of our youth, Whig and Tory, High Church and Low Church; and it is our estimate of this, I am afraid, which is the great difference between us. I do not know, and am almost afraid to ask, how far you go along with them; and yet, if you go along with them further than I think, I am unconsciously saying things which would be unkind. Only I am sure that, morally, you are not, and cannot be, what some of them are; and I never look upon our differences as by any possibility diminishing my love for you. My fear, from my experience in other cases, would have been, that it would affect your love for me, had it not been for that delightful letter of yours just before I went abroad, for which I cannot enough thank you.'—(*Letter* 262, note.)

So far from being no admirer of superiorities, he was a very great one: holding *nil admirari* to be the devil's text, not merely for boys, but men. Only, in the case of all superiorities he must first satisfy himself that the superiority was real. In the same way, the Church would not have had a more enthusiastic and more submissive son, had he but found a Church *in esse*, which he could believe to fulfil its true conditions. As it was, (in conformity to his high notions of law, and the social bond, and canonical obedience,) he taught his children the catechisms of the Church, of which he was a member, and referred himself to his Bishop in doubtful cases. But admiration for 'our dear mother, the Panther—the mere mock queen of a divided herd'—was more than he could promise. Where superiority and admiration were in question, he would not give in his adhesion blindfold. In theology he was not able to recognise any such superiority in the early fathers, or, subsequently, any such *consensus ecclesiæ* as could supply its place. Of English divines (with the exception of Hooker and Butler) he thought indifferently: both from not finding among them a really great man; and from there appearing in them all 'a want of believing or disbelieving any thing because it was true or false.'—(*Letter* 129.)

With regard to Roman history, schoolboy scholars will be startled at the irreverence which he proclaims towards the classical names of Polybius and Livy. The first is a dull geographer, and an overrated military historian. The last is a drunken helot, showing us what history ought *not* to be; so uniformly careless, as to make the Punic war as hard in the writing as the fighting. Besides, the times of which he writes were so uninteresting, that it is difficult to get a particle of spirit out of his many gallons of vapid water. The Greek tragedians he

also considered greatly overrated. Second-rate Latin poets, like Tibullus and Propertius, he threw overboard entirely. 'I do 'really think, that examiners incur a serious responsibility who 'encourage the reading of these books. Of all useless reading, 'surely the reading of indifferent poets is most useless.' Non-reading men may be glad to hear, that books in general have been written aforetime with such narrow views and imperfect knowledge, as to leave the whole thing to be done over again. But we have got out of the wood at last. For it is the immense step, which our generation has made in critical sagacity, which prevented Arnold from ever feeling satisfied, while reading the writings of a former age, that he got to the bottom of a question.—(*Letter* 91.)

These *dicta* pile up, it must be allowed, a formidable heap of proscribed heads at the feet of one triumvir. The standard of literary excellence which they evince is certainly rather high. Nevertheless, as regards his contemporaries, he was, at different periods of his life, as much under the influence of different persons in succession, as could possibly be the case with any man who means also to keep the privilege of thinking for himself. Of these, he has given us one or two lists, which we commend to the curious. If he was always sufficiently indulgent to the literary merit of his adversaries; the bias of personal attachment secured, and more than secured, his friends. We cannot help setting down a good deal of his excessive admiration for Samuel Coleridge to the account of his friendship with the nephew. And Archbishop Whately and M. Bunsen will think themselves no losers by the exchange, on their accepting as evidence of his affection, whatever deduction their modesty may oblige them to make from the pride of place, which he has assigned to them above their fellow-men. We will not trespass on the happiness of a family, of which Arnold was the husband and the father. It is pictured in many sweet domestic scenes; and it reverentially looked back as well as forward. He took along with him, wherever he removed, shoots of a willow-tree from Slattwoods, his father's home; and he has piously recorded his deep sense of the blessings that came to him by his marriage with the daughter of a house which God had evidently blessed.

If their 'dear old friend' were right in telling them that happiness consisted ἐν ἐνέργεια, Arnold might feel as certain in his own case, as in that of Archbishop Whately, that he should have enough of that. But we have greater confidence in his own prescription, such as he drew it up for his nephew in 1832, on his marriage. 'The most certain softeners of a man's moral 'skin and sweetness of his blood are, I am sure, domestic inter-

'course in a happy marriage, and intercourse with the poor. It 'is very hard, I imagine, in our present state of society, to keep 'up intercourse with God without one or both of these aids to 'foster it. Romantic and fantastic indolence was the fault of 'other times and other countries: here I crave more and more 'every day to find men unfevered by the constant excitement of 'the world, whether literary, political, commercial, or fashionable; 'men who, while they are alive to all that is around them, feel also 'Who is above them. I would give more than I can say if your 'Useful Knowledge Society Committee had this last feeling, as 'strongly as they have the other purely and beneficently. I care 'not for one party or the other; but I do care for the country, and 'for interests even more precious than that of the country, which 'the present disordered state of the human mind seems threaten-'ing. I hope we may both manage to live in peace with our fami-'lies in the land of our fathers, without crossing the Atlantic.'

Arnold's quiet home, on whichever side of the Atlantic, was a port of refuge, in which he would have felt it criminal *prematurely* to take his rest. The impracticability of his favourite opinions, or (what is much the same) the impossibility of convincing other people that they were practicable, made it difficult for him to find a way of contributing to any good, except what he could do alone. As early as 1832, we find him complaining to Archbishop Whately of his loneliness from without. 'I 'have no man like-minded with me: none with whom I can cor-'dially sympathize.' Every succeeding year, as the necessity of his own nature and of the times made him, more and more, a public man, so his sense of the hopelessness of labouring in the public service to any useful purpose without co-operation, and of its being at least equally hopeless that he should obtain co-operation on his own terms, must have become more and more painful. 'Many men, with whom I once agreed, have been 'scared in these later days; and have, as I think, allowed their 'fears to drive them to the wrong quarter for relief. I could 'tell you readily enough with what parties I disagreed—namely, 'with all. My own τελειότατον τέλος I shall never see fulfilled: 'and, what is the least bad, δευτέρος πλοῦς, I hardly know.'—(1838.) In the concluding words of this passage lies the key to Arnold's principal practical infirmity. When what might have been hypothetically best—best *in vacuo*—was clearly unattainable, he could not always bring himself gracefully to submit, and look out for what was second-best; for what indeed alone was possible to be done, in consequence of the friction and the resistance from other minds. His hand faltered, as though he were setting it to positive evil, when his heart

turned back to his ideal good. In all transactions which touched upon his scheme of 'Christian Politics,' his conduct was marked with this infirmity. His hypothesis was the Christian hypothesis; and he would entertain no other. To take away from the universities their sectarian reproach, and nationalize them by the free admission of Dissenters, was among the wishes nearest his heart. In case of the public being unprepared for a measure of comprehension so extensive, he was equally desirous of impressing a Christian character on any such institutions as the sectarian exclusiveness of the universities might call into existence. With this latter view he had joined the London University. On being unable to introduce a religious examination into its degrees, all its other advantages could not compensate for this one omission, and he retired. Others, he said, might naturally think most of the good which the university would do; but he was estopped from taking part in the good,' as he should have wished to do, because, to his apprehension, it would be bought too dearly. The necessity of retiring 'was 'one of the greatest disappointments he ever met with.' And he never took a step which we regretted more. But it belonged to his system. On the same principles, he was a strenuous advocate for the perpetual exclusion of all non-Christians from all public offices and trusts; and would have even added a more definite Christian declaration to the Bishop of Exeter's amendment on the Marriage bill.

Notwithstanding a life of disappointment and discouragement, Arnold would not quit the field. The more he stood alone, the more eagerly he continued to look around him on every side for light and help. He entered into correspondence with Carlyle, in the hope that the historian of the French Revolution might read for him our own most Sphinx-like riddle, 'which, 'if not read truly, will most surely destroy us all.' He took counsel with Mr James Marshall, a not less zealous, but more practical adviser. He was constantly suggesting magazines or societies of one kind or another, and was every where ready with his purse and his pen and his invaluable time. A letter from Fox How, January 1840, describes his feelings:—'We 'are going to leave this place, if all be well, on Monday; 'and I confess that it makes me rather sad to see the pre'parations for our departure; for it is like going out of a very 'quiet cove into a very rough sea; and I am every year 'approaching nearer to that time of life when rest is more wel'come than exertion. Yet, when I think of what is at stake on 'that rough sea, I feel that I have no right to lie in harbour 'idly; and indeed I do yearn more than I can say, to be able to

'render some service, where service is so greatly needed. It is 'when I indulge such wishes most keenly, and only then, that 'strong political differences between my friends and myself are 'really painful; because I feel, that not only could we not act 'together, but there would be no sympathy the moment I were 'to express any thing beyond a general sense of anxiety and 'apprehension, in which I suppose all good men must share.'

In the same spirit, that time twelve months, he writes to M. Bunsen just as he was again leaving Fox How for Rugby. 'Truly, the gathering of the nations to battle, is more and 'more in the neighbourhood of Jerusalem; not in the sense in 'which our fanatics look at the war in Syria as likely to lead 'to the fulfilment of prophecy in their view of it, but because 'political questions more and more show that the Church ques-'tion lies at the root of them. It is Niebuhr's true doctrine, that '1517 must precede 1688, and so that for a better than 1688, 'there needs a better than even 1517. Some of the Oxford 'men now commonly revile Luther as a bold bad man; how 'surely would they have reviled Paul! how zealously would 'they have joined in stoning Stephen! true children of those 'who slew the prophets—not the less so because they with ido-'latrous reverence build their sepulchres. But I must stop; 'for the sun is shining on the valley, now quite cleared of snow, 'and I must go round and take a farewell look at the trees, and 'the river, and the mountains; ere "*feror exul in altum*,"—into 'the wide and troubled sea of life's business, from which this 'is so sweet a haven. But "rise and let us be doing," is a so-'lemn call, which should for ever reconcile us to break off our 'luxurious sleep.'—(*Letter* 242.)

Notwithstanding all his cares and agitations, Arnold led, on the whole, a most happy life. It could not be otherwise with such a nature. He would, however, have been happier, probably, if he had remained a layman. Milton tells us that he was himself designed for the church; when, on perceiving that to take orders he must subscribe himself slave, he stopped in time. Whatever difficulties Arnold had to encounter, there can be no doubt but he mastered them conscientiously. But as he mastered them in his own way, and by the working of his own mind, he had no party, in case of any difficulty, upon whom he could fall back, who would sympathize with his feelings, or have an interest in his defence.* Admitting his orthodoxy to have been above all question, his opinions on the actual state of the Church of England, and of all that wanted doing in it to make it fit for its vocation, made his membership with it as essentially a false position (though in an honest sense) as if he had disbelieved half

its Articles. In proportion to his honesty and frankness, he was certain to be disliked; and (however stoutly he might bear up against it) was as certain of being in trouble. The unpopularity his professional isolation brought upon him, we have already spoken of. It must have been an equal drawback from his happiness. It is not in human nature that it should have been otherwise. His controversial tendencies aggravated the peril of the experiment. For as nobody can be in love and be wise, nobody can be in controversy and at the same time happy. Nevertheless, it must be acknowledged that Arnold was a gladiator in grain. Although he had never put a black coat on, he probably would have jumped down into the polemical arena as readily as Milton. In longing for the theological chair at Oxford, (if the Whigs should summon courage and make Hampden a bishop,) he cheered himself with the hope, that 'his spirit of pugnaciousness would 'rejoice in fighting out the battle with the Judaisers, as it were 'in a saw-pit.' Nor was it argumentativeness only. He had this further likeness to Milton. He consecrated his eagerness for conflict by the belief, that he too had a testimony to deliver, which he must speak or die. All this is true. Yet the turbid atmosphere is there. And society has darts to fling, against which the hide of a rhinoceros is no defence.

Arnold's Religion was at once attractive and commanding. We never recollect a religious life which so much affected us; which, while reading it, we wished so much to make our own; revolving which, we can so little justify ourselves that it should not be so. He was not afraid of the name of rationalist. He would trust no man who had turned fanatic. He forcibly reproved the tyranny of opposing faith to reason. Yet in any case, in which his Christian affections could possibly be moved, there was a great chance of his not allowing sufficient weight to other considerations; and, accordingly, of their preventing him from seeing the case in all its lights and bearings, and of properly judging it as a whole.

Cases of this kind are private or public. Private cases must turn upon the question, whether the subject is one which will be best determined and expounded, as the case may be, upon grounds of its own—or by a distinct and controlling reference to Religion. The public cases will generally involve a further question—What is the best manner in which a state can discharge its highest duties to its members, of all ranks and all opinions, as intellectual and moral beings? We must remember that, in the first case, there is some danger to ourselves in applying too positively and universally a Religious test, even in the secret and solitary silence of our own hearts. As long as our

natures go along with an endeavour to Christianize every thought and feeling, all will be well. But, the moment the truth and modesty of nature are overstepped, the mischiefs of superstition and fanaticism begin—or those of hypocrisy and self-delusion, which some people may think as bad, or worse.' The same dangers belong, of course, to religious tests when applied to others; but in a still greater degree: For a test is, in this case, necessarily external only; while it has the further characteristic evil of recognizing a principle, which, in all times and climes, has been the cause or pretext not only of religious persecution, but of exclusions and degradations, civil and political. We think of religious tests as Arnold thought of tradition :—' If you let in but one little finger ' of it, you will have in the whole monster—horns, and tail and ' all.'

Arnold assumed it, as a first truth, that in all voluntary moral actions, there could be no distinction between civil acts and religious acts, between things secular and things spiritual. And yet to say, in the ordinary meaning of the words, that every voluntary moral action, to a Christian, must be spiritual as well as secular, is surely a hard saying. Such a maxim can only have proceeded from an excess of religious feeling; and in its logical consequences, it led him to conclusions against which we should strongly protest. It will be a verity or a fallacy according to the application of it. Let us see how Arnold applied it. On passing from the death-bed of one of the boys into the school-room, he was so troubled at the contrast between the two scenes, that, in addition to the general prayer before the whole school, he introduced a special one for the sixth form, with the observation, ' That if their work were ' made really a religious work, the transition to it from a death-' bed would be slight.' Is this so? Can it be a true interpretation of human nature, or of God's word, that we ought to go about our ordinary business, and stand by the bed of a dying friend, with almost the same feelings? It is scarcely the doctrine of Epictetus and La Trappe; scarcely that of the Quakers—to whom Arnold paid the well-earned compliment, of being nobly distinguished from the multitude of fanatics, by seizing the true point of Christian advancement in the regulation of their daily lives. It is certainly not the lesson we should have drawn from Christ at the grave of Lazarus.

But even the general proposition—in what reasonable sense can it be true that all our works should be made religious works? Whether a proper sense of Christian obligation may be satisfied by its co-operating with the rest of our nature, according to circumstances, in the same manner as our sense of moral obligation does,

or whether it must be infused into every specific act and motive, is not a question to be arbitrarily settled in favour of the last alternative, by direct assumption. Otherwise, we necessarily sin in all those thoughts and actions for which the common moral instincts of our nature are sufficient motives, unless we shall have spiritualized them simultaneously by a conscious reference of them to God. We think that Arnold himself has given the proper answer to any such requirement (*Letter* 186) in another place. He has elsewhere remarked on the fearful way in which we live, as it were, out of God's atmosphere; not keeping that constant consciousness of His reality which, he conceived, we ought to have, and which should make Him more manifest to our souls, than the Schekinah was to the eyes of the Israelites. But is it possible that, if Arnold had heated the furnace hotter, he would have been better qualified for any of the duties for which man can be imagined to be here? Admitting, from his very peculiar nature, he might have made the experiment with impunity, we are not the less certain that, for ordinary persons, the attempt to carry it out would give us a hundred hypocrites, madmen, or fanatics, for every Christian of the kind that he himself could have cared to see.

On the fullest consideration we can give the subject, another of Arnold's applications of this first truth is almost as questionable. He declares, that the study of history and moral philosophy, if not based on Christianity, must be Antichristian, (*Letters*, 136, 139, 146, written during his discussions on the London University:) and that their views of life must be so different, as to make it impossible to instruct Jews, Mahomedans, Hindoos, and Benthamites, together with Christians, in moral science, (*Letter* 103.) But the historian ought to write in the same spirit in which the student ought to study. To look, then, at histories. We agree that Gibbon's history is Antichristian. As far as it is so, it is false and offensive. By his imperfect representation of the importance of Christianity, as one of the peculiar elements in our civilization, he has left an enormous chasm to be filled up in the history of modern Europe. We can easily conceive, also, that a life of Christ might be written in a tone so purely historical—a neutrality so pregnant with indifference—as to deserve the character of Antichristian. But beyond this we cannot go. 'The historical tone,' to which Arnold objected in the case of a life of Christ, we should have understood, *ex vi termini*, to be the proper tone in *ordinary* history. And thus Arnold himself practically treated it. For, although one of his reasons for engaging on the Roman history was, in order to prevent the subject from being taken up by

persons who might not write it like a Christian, yet, so little was the historical tone of his work affected by this specific object, that we have heard the difference between the spirit of his sermons and the spirit of his history gravely stated as a disgraceful and irreconcilable contradiction. We thought the charge a most absurd one; but it would cease to be absurd were the purely historical tone of a general history really Antichristian. In that case, we must be prepared to go the whole length of Foster's essay on the aversion of men of taste to evangelical religion. On any such supposition, Arnold would find it as hard to justify his passion for Greek and Latin, and his profession of a classical teacher, as his Roman History—or his appeal from the evil habits of his school, to its great and noble scenes. 'How can I 'go on with my Roman History? There, all is noble and 'high-minded. Here, I find nothing but the reverse.'

Arnold's favourite historians were Thucydides and Tacitus, Niebuhr and Carlyle. This could not possibly have been the case if he had considered them Antichristian. And yet to mention only the example of Niebuhr, if it were necessary for a good history that it should be based on Christianity, Arnold would, in this case, have seen at once in Niebuhr's history, without being obliged to wait for the further evidence of a personal interview with him, the groundlessness of the charge of scepticism which had been brought against him. For our part, we do not know the persons, to whose consummate wisdom we would dare commit the composition of Providential histories, and histories on Christian principles. We should dread letting loose a class of writers more likely than any others to bring both Providence and Christianity into contempt: And, the most we could hope in behalf of their readers, would be, that they might have the same cause for gratitude with one of the officers of the University of Cambridge, who, after attending the sermons at St Mary's for many years, thanked God he was a Christian still.

However, we would rather have Histories written upon Christian principles, than systems of Morals based on Christianity;—a pretty specimen of which we lately noticed in the 'Christian 'Morals' of Mr Sewell. There is, we are firmly persuaded, a science of morals dependent upon the constitution of man, (*natura ad summum perducta*,) and therefore universal, notwithstanding the different standards of merit which, to a certain extent, have occasionally prevailed in a few cases. As such, it was cultivated, at all times and in all countries, upon its own proper grounds, and independent of religion. After the revelation of Christianity, it continued to be cultivated, as

before, as a distinct science; which Christianity did not supersede or abrogate, only add to and complete. This is the almost unanimous doctrine of our truly great writers. Indeed, this was the view taken of it during that long period in which morality was only treated of in treatises of theology. Aquinas, 'the 'moral master of Christendom for three centuries, laid the 'grounds of duty solely in the nature of man, and in the well-being of society.'—(Mackintosh.) In this sense, too, Dr Reynold Peacock, (the Erasmus of the fifteenth century,) writing against the 'Bible-men,' or Lollards, expressly affirmed, that 'Scripture does not contain all that is necessary for the grounding or 'supporting of moral virtues; and, therefore, it is not properly 'the foundation on which they stand.'—(Lewis's *Life of Peacock*, p. 47.) A proposition which he supports by distributing all the different conclusions of written truths according to their appropriate roots and evidences—very much as Hooker afterwards in the two first books of his *Ecclesiastical Polity*, founded his answer to the successors of the Lollards, on the necessary distinctions between different kinds of Laws, and on their respective force, according to their kind. Even writers with the opinions of Jeremy Taylor, (who held, no doubt, that morality proceeded directly from the will of God, independent of all moral distinctions,) admit that there are some rules which, being proportionable to our nature, will not be abrogated, while our nature remains the same.

With regard to the Christian revelation itself, we do not need the Mahomedan contempt for miracles, or the Mesmerist's confusion of them by the exercise of his mysterious powers, to learn that, from the nature of things, its proof must depend in a great degree upon internal evidence. But proof by internal evidence supposes the pre-existence of an intellectual and moral nature, by its conformity to which the probability of the revelation is to be tried. It follows therefore, that, to this extent, our moral nature and its ordinances cannot be conceived to be dependent upon revelation; but revelation must be primarily dependent upon them. For obvious reasons, the innovations of any religion, true or false, upon the law of nature, as above explained, must oscillate within very narrow limits. Whether we regard, with Hooker, the revelation of what he calls our Supernatural duties as the peculiar object of Christianity; or, with Chalmers, the dispersion of the obscurity which the theology of nature and of conscience had left over our future hopes and destinies—in either case, the great basis of natural morality remaining equally unchanged, Divinity, so considered, has our salvation for its object; and looks to our moral nature only as far as it is a condition of

acceptance. By insisting on these conditions, it strengthens with its awful sanctions our systems of human morality at the very point at which they are weakest. To the ordinary run of people, these sanctions are indispensable: and though the noblest minds are, in this sense, the least in want of them, yet none can be so noble as not to be the better and the happier for their aid.

We are well convinced, that a philosopher calm and sensible as Locke, may find in the New Testament so perfect a collection of moral rules, as to dispense with the necessity of reducing them into form and system. In other words, we are satisfied that the deductions of a sound philosophy will coincide with the teaching of the Scripture, rightly understood. The truth of this is made out, more or less, we should hope, every Sunday all over Christendom. But there can be no better philosophical proof of it, than what is given in an excellent book on *Human Motives* by Arnold's brother-in-law, Mr Penrose. If we are to go further than this—if morals are to be based on Christianity, and not Christianity on morals, another difficulty immediately crosses our path. We shall want an interpreter of Scripture of a very different description from any one who has yet appeared. Of course, the authenticity of the canonical books must be first settled beyond all dispute. There ought to be no doubt about the book of Daniel; which Arnold believed 'to be most certainly a very late work of the 'Maccabees.'—(*Letter* 196.) None about the Epistle to the Hebrews; which Arnold at one time suspected to have been written later than the Apostolical age; though he latterly 'in-'clined to the belief, that it might have been written, not merely 'under the guidance of St Paul, but by the Apostle himself.'—(Vol. ii. p. 133.) Supposing the scriptural canon to be settled—how is it to be construed? In rude uncritical times, the authority of Scripture has been too often honestly relied on for too much guilt and folly, not to make us shrink from taking it nakedly as a guide; almost as much as from opening it at random for a *sortes Virgilianæ* text.

What we are to expect in our more critical age, we may conjecture from Arnold's intimations. He was himself converted to popular political opinions by the Old Testament and St James. In a letter to Augustus Hare, (his English Bunsen,) he sends him to the same teacher. 'You will be struck, I think, with the 'close resemblance of our own state to that of the Jews; while 'the state of the Greek churches, to whom St Paul wrote, is 'wholly different. Unluckily, our evangelicals read St Paul more 'than any other part of Scripture; and think very little of con-'sulting those parts of the Scriptures which are addressed to 'persons circumstanced most like ourselves.' What a door has

he not thrown open on this question of questions, 'The True Use of Scripture,' (*Letter* 29,) in his Essay on Interpretation; the most important, in his own view of it, of all his writings. In the first place, it requires of us a competent philological and historical interpretation, that we may be able to separate the human element from the divine. In the next, it expects us to be endowed with a competent historical sagacity, that we may be able to apply the peculiar meaning of events and passages to our own times and to different stages of civilization. We may well ask who is sufficient for these things? or who can foresee the changes which must follow? Arnold was aware of the revolution in divinity, which opening the question of universal inspiration must of itself produce. He enquires of Mr Justice Coleridge, 'Have you seen your uncle's *Letters on Inspiration*, 'which I believe are to be published? They are well fitted to 'break ground in the approaches to that momentous question, 'which involves in it so great a shock to existing notions; the 'greatest, probably, that has ever been given, since the disco- 'very of the falsehood of the Pope's infallibility. Yet it must 'come, and will end, in spite of the fears and clamours of the 'weak and bigoted, in the higher exalting and more sure esta- 'blishing of Christian truth.' This may be very true at last: But meantime, while the problems of inspiration and interpretation are working out, surely the proper basis of morality ought not to be left at large. Is it a thing which can afford to wait for, or to vary with, the obscure, equivocal, and fluctuating answers that must precede the termination of debates, of which, if we once suppose them fairly launched, no man living can hope to see the end?

Arnold's public life was of two parts, and had two objects. One was his school—'our great self,' as he personified it to the boys—binding himself and them together by its social bond. Of this responsibility he was in the full possession and discharge. It was for years his daily bread. 'In the common sense of the 'term, I can truly say I live for the school.' The other—the formation of a visible and living Church—was a splendid vision. It lay before him in prospect; it occupied him in preparation. 'The "*idea*" of my life to which I think every thought of my 'mind more or less tends, is the perfecting the "idea" of the 'Edward the Sixth Reformers—the constructing a truly national 'and Christian Church, and a truly national and Christian system 'of education.'—(*Letter* 97.) His first work he had almost done with, at his death. He had shown all that can be made of a public school. Concerning the last, we must reserve our observations till we have time to notice his 'Fragment on the Church,' just published. He would have been at liberty erelong to have

devoted to it his collected powers; for this was the noble task to which he was looking forward in his dying declaration, as the *great work* which he had yet in hand.

There have been few great men among schoolmasters. We have even heard of Sir Walter Scott having asked somebody, whether he had ever known a *dominie* who was not a fool. In case the story of Dr Busby not allowing Charles the Second to walk before him in the presence of his boys was any thing but a jest, the mighty pedagogue of the seventeenth century was no exception. On the other hand, there is something so truly great and almost heroic about Arnold, in relation to his school as in every thing else, that we cannot but feel that every *dominie* in England owes him a lasting debt, and every parent too. If the old bravuras about the dignity of a schoolmaster, and the more than parental duties to which his office pledges him, are no longer commonplaces, we have to thank Arnold for it, who made them by his example a living fact.

We well remember his going to Rugby; and one of the first scholars in England mourning over it—saying he was gone to galvanize a dead jackass! When it came into his hands, it was the lowest and most Bœotian of English schools: In the course of a few years, he placed it at the top. Although he had little turn for Latin verses, and the showy foppery of classicalism, it soon became as distinguished at the Universities as any other for its scholarship; while Dr Moberley tells us, it was above them all by the higher lessons of manly training, which nobody before Arnold had had the thought, or at least the art, of teaching boys.

Of course, Arnold's influence, as a schoolmaster, was principally seen at Rugby itself. He found it brick, and he left it marble; or something as much resembling marble as could be made out of the materials by the most perfect workmanship. But the general effect of his experiment, even as carried out by himself at Rugby, fell far short of the magnificent predictions of Dr Hawkins. His enthusiastic friend had boldly prophesied on his election, that he would change the face of education through all the public schools of England. Nothing is said of the nature of the anticipated changes. In point of fact, we are afraid that our schools still remain (one and all) at their old intellectual standard, or very little better. A Parliamentary return of all that is taught at Eton during ten years of pupilage in the nineteenth century—what books are read even at the head of the school, beyond Ovid, Virgil, Horace, and Homer—ought (if any thing can) to surprise the public into some uneasiness on the subject. Arnold, himself, sought to calm the apprehensions of Mr Justice Coleridge, (a true friend to him from

first to last, and in all weathers,) by assuring him that he need not fear his reforming furiously. He apparently never meditated any alteration in the character, form, and substance of the course of reading through which every English gentleman, by one of the general fictions in which society indulges, is supposed to pass. Among all the variations he tried at Rugby, we are not aware of his having attempted in this respect any thing further than a more general diffusion of habits of industry throughout the school at large, and a considerable extension of the range of studies.

Of these two novelties, the one which he had most at heart was that of raising the industry and learning of the common mass above the low level, at which, in most schools, it is left to lie—as low almost, to all useful purposes, as the uninstructed, unvarnished ignorance, out of doors. Instead of making pets of a few Ovidian versifiers of *longs* and *shorts*, the 'plodders' (who for the most part meet with so little encouragement) were distinguished by his favour. Speaking of one boy, remarkable for his power of moral effort, and for little else, he said of him he could stand cap in hand before him. And he singled out another for still greater honour on account of similar gifts—making him the subject of, perhaps, the only personal allusion he ever made in one of his chapel sermons. As Arnold's love of history had only taught him to appreciate more highly and more truly the present age, in the breadth and character of its great movements, he would gladly have done something towards breaking up the hacknied formularies of school learning. Veteran pedagogues will start at reading of his distress for a good Latin book; and of his wish, accordingly, for a cheap edition of Bacon's 'Instauratio Magna.' 'I would make it useful, even 'in point of Latinity, by setting the fellows to correct the 'style where it is cumbrous or incorrect.' It may surprise some of them still more, to find him taking his sixth form through 'Barante's Tableau of French Literature in the eighteenth century;' and longing to mix up Dante and Goëthe now and then with Greek tragedians and Horace. These tentative desires are quite consistent with the conviction which he ultimately professed, (than which nothing can be truer,) that extent of acquisition is a very subordinate object in education, to cultivation of the taste and exercise of the understanding.

But it was not for the sake of reforming schoolbooks that Arnold had left the leisure and independence of private pupils. The sense of duty which brought him to Rugby, arose directly out of his Religious feelings. He came not so much a reformer, as a Missionary for the firesides and the homes of England—to preach the gospel unto boys, by almost the only way in which boys

will learn it. He had long entertained a strong opinion that there were noble elements in our public school system; and that much more might be done with it than had yet been done—in removing what was faulty, and in enlarging the capabilities for good. His hope of effecting this depended on the practicability of making a public school a place of Christian education. The reasonableness and moderation of his expectations were, on this occasion, an excellent corrective of his zeal. His object (he said) was to form Christian men. For Christian boys, he supposed, he could scarcely hope to make; from the necessity of tolerating among them a low state of morals in many respects—as had been the case, on a larger scale, in what he considered the boyhood of the human race. He regarded, for instance, Mahomedanism, six hundred years after Christ, as justifying the wisdom of God in Judaism: by proving that the Eastern man could yet bear nothing more perfect. His anticipations on the possibility of Christianizing boys were kept down by similar considerations. 'Of 'my success in introducing a religious principle into education, 'I must be doubtful. It is my most earnest wish, and I pray 'God that it may be my constant labour and prayer. But to do 'this would be to succeed beyond my hopes: it would be a happiness so great that I think the world could yield me nothing 'comparable to it. To do it, however imperfectly, would far 'more than repay twenty years of labour and anxiety.'

Imperfect, indeed, was his success in bringing into obedience 'the unstable sea of boy nature,' as the anguish of his complaints so sorrowfully records. How humbly and tremblingly he reflected on the subject, we have already seen. And so far was he from leaving behind him a positive testimony in favour of public schools, that he always shrank from the responsibility of advising any body to send a son to one. In the midst of his triumphs, and to the last, only venturing to say of them, (as he said of the universities,) that, where public education answered, it was the best. 'I am a coward about schools, (he writes,) and 'yet I have not the satisfaction of being a coward κατὰ προαίρεσιν; 'for I am inclined to think that the trials of a school are useful 'to a boy's after character, and thus I dread not to expose my 'boys to it: while, on the other hand, the immediate effect of 'it is so ugly, that, like washing one's hands with earth, one 'shrinks from dirtying them so grievously in the first stage of 'the process.' Be this as it may, it had been very soon acknowledged, from one end of England to the other, that he was comparatively successful to a great extent: and when he was roused, by the malignity of adversaries and by the timidity of friends, to do justice to his efforts, he looked up, and encouraged his Rugby colleagues by one of his proud historical recollections. 'In the

'execution of our own' ideas, 'we have enough to do; and 'enough always to hinder us from being satisfied with ourselves. 'But when we are attacked, we have some right to answer 'with Scipio, who, scorning to reply to a charge of corruption, 'said, "Hoc die cum Hannibale benè et feliciter pugnâvi." 'We have done enough good, and undone enough evil, to allow 'us to hold our assailants cheap.'

The interval between childhood and manhood is an intractable period at best; a state of transition—where the several elements of our mixed nature exist, for the time, in unfavourable proportions. The shepherd's wish in the 'Winter's Tale' has found an echo in the bosom of many a schoolmaster. 'I would 'there were no age between ten and three-and-twenty; or that 'youth would sleep out the rest.' Most youth, however, object to taking out their holiday time in sleep; and the risks of their taking to ill are seriously aggravated, when they are brought together in great numbers. There then springs up the evil, which Arnold considered the characteristic vice of a public school. The boys feel themselves strong enough to set up among themselves an *imperium in imperio*—a public opinion of their own: and the whole current of this opinion runs in one direction—that of encouraging each other in supporting the principles natural to their age, in opposition to the principles and authority of their elders.

To whatever degree Arnold succeeded in combating this and other evils, little of his success was owing to any rules. He discouraged the sending boys to a public school under ten years old. He limited the number within a manageable extent. He proclaimed it to be the first, second, and third duty of a schoolmaster, to get rid of unpromising subjects—that is, of subjects whom a system of comparative self-government clearly does not suit—such boys, for instance, as ought to be almost exclusively with older people, instead of being with persons of their own age. But the specialty on which he principally relied, was an extension of the practice with which he had been well familiarized when at Winchester—that of entrusting the præpostors, or the seniors of the school, with a certain amount of its responsibility and authority. The low principles of conduct which are natural to boys, become intolerable as soon as the animal part of a school pulls down its intellectual and moral standard below a certain point. This, he thought, was to be prevented, if at all, by using *the upper class* as a recognised authority—an intermediate power between the master and the body at large—sufficiently near to both, to receive from the one, and transmit to the other, an influence which the master cannot convey direct to the whole, and, least of all, to those very individuals who

need it most. Arnold's reliance on this instrument was so entire, that he told the sixth form in one of his last addresses:—'When I have confidence in the Sixth, there is no post in England which I would exchange for this. But if they do not support me, I must go.' The theory is a captivating one; and Arnold's evidence ought, perhaps, to be decisive in favour of its effectiveness. But we cannot help having grave suspicions on the possibility of so thoroughly weeding a school of its bad subjects, as to make the sixth form always, or even usually, worthy of the confidence with which the theory invests it. After all, suppose the sixth form to be made as good as Arnold could make it—What then? How far does his experience warrant us to entertain a hope that the mass will be magnetized and penetrated with higher influences, either through the medium of the upper classes, or through any other means?

Among these means one remains, which Arnold's modesty has not allowed him to particularize, which, nevertheless, he turned to marvellous account. We mean the School Chapel. On the chaplaincy falling vacant, he claimed its duties without its salary, as properly pertaining to the office of head master. To most schoolboys Sunday had been, from time immemorial, a day lost. Arnold made it the most impressive day in the week. But he made it so, by having first so far breathed into their weekday life the breath of thoughtfulness and affection, that they saw in his Sunday ministrations only the 'graver face of love,'—that love which characterized their daily intercourse—graver, yet the same. He always addressed himself in his sermons to their particular condition, as far as he could decipher it. 'I never like 'preaching any where else so well,' he said; 'for one's boys are 'even more than a parish, inasmuch as one knows more of them 'all individually than can easily be the case in a parish, and has 'a double authority over them, temporal as well as spiritual.' In this manner he was able to use the pulpit as a means of communicating with them all upon their real habits, wants, and failings, with the same warmth and sympathy as if he had been speaking with them individually in private—only rising into a more solemn and affecting tone. Mr Stanley bears witness to the effect of his sermons at the moment of delivery, upon all but the very youngest. What a contrast between the listening looks of Arnold's scholars, Sunday after Sunday, and the listless looks of most schoolboys at their respective places of worship! Take, by way of example, some seven hundred young Etonians, decorously sitting out the routine discourses of an Eton fellow, a stranger to his congregation, preaching in his turn! Nevertheless, the precedent is not to be followed rashly. Arnold the schoolmaster and Arnold the preacher were not only

one and the same person, but he was equally admirable in the two capacities. It is not from 'the tongue that truths divine 'come mended,' but from the life. The pulpit of a mere popular preacher would be nothing better than Orator Henley's tub, or any other piece of painted wood. While the exhortations of a master, whose practice was in contradiction to his precepts, would be purely mischievous; and mischievous in proportion to the talent he might display.

On the whole, the problem of education, public or private, is left by Arnold pretty much where it was before; a question to be determined, in every case, by its own circumstances—by the character of the master and the character of the boy. The only point which he has peremptorily decided is, that any thing is better than a large private school—that is, a private school with more than thirty boys. On the supposition of our agreeing with Talleyrand, that of all actual modes of education an English public school may be assumed, in most cases, to be the best, we agree still more cordially with him in his limitation, '*Mais 'c'est détestable.*'

There was little, as we have seen, in the peculiarities of its system, to make Rugby an exception. On the other hand, there was not only much, but every thing, in the fact that it was a system administered by Arnold. He had all the qualities which conciliate the love and reverence of boys. There was in him a vigour and a tenderness which aided and controlled each other—which made him feel, that when he could either no longer run up the library stairs, or could receive a boy from his parents for the first time without emotion, he should have no business there; an utter absence of trick, or pedantry, or assumption; a frankness, when ignorant, in confessing his ignorance, and sending the boys to Mr Lee; a manliness, when he made mistakes, in acknowledging and retrieving them; a singleness and straightforwardness of conduct—a sunbeam was not more direct!—that commanded the confidence, which his confidingness would have won; a supremacy of will, that was neither to be wearied, nor baffled, nor subdued; an evident living out of himself for nobler objects than the pomps or vanities of this world, its principalities, or its powers. These irresistible attractions were visible to all—'to the dullest peasant in his camp.' All rejoiced in his superiority, and were proud of being his pupils. To have been taught by Arnold, was like serving under Nelson. All felt that he lived for them, not only in his head but in his heart. All knew that you had only to be worthy of his friendship, and you had a friend in him for life. No wonder that their schoolfellow should record of them, that many of them would willingly have died for him in return! We have heard

it regretted that a man who would have been in his proper place swaying all the Russias, or sitting on the throne of the Antonines, should have been thrown away on the hopeless experiment of reclaiming a public school. No such throne being ready for him, he perhaps got, in the absolute governance of a public school, what was most like it. Among our professions, few would have opened to him a wider field of usefulness; or have exhibited, so fully and successfully, his most characteristic powers. He was himself satisfied with his lot in life. If he ever wished to change it, it was only in the hope of making himself more useful—as, for instance, in the theological chair at Oxford. 'Do not understand this as implying any weariness with Rugby; far from it. I have got a very effective position here, which I would only quit for one which seems even more effective. But I keep one great place of education sound and free; and unavoidably gain an influence with many young men, and endeavour to make them see that they ought to think on and understand a subject, before they take up a party view about it.'—(1836.)

We should have liked to have kept company with Arnold a little longer—discussing with him his fresh and generous speculations, and sitting by his side, as under a green olive-tree in the court of the Lord. But we must stop. His Thucydides, his history, his sermons, his miscellaneous writings, are all proofs of his ability and goodness. Yet the story of his Life is worth them all.

In what we have written, we have had two objects principally in view—that of bringing out his character in its true light; and that of warning good men against quarrelling with each other for differences of opinion. Few of the ways which lead to virtue are more full of pleasantness and peace, than that which brings us to warm our hearts by putting them in close contact with noble natures. 'I am not the rose, but I live with the rose,' (says the Eastern apologue,) 'and so I have become sweet.' On the other hand, few things are more disheartening than the sight of good men turning their very goodness into a source of strife and bitterness. The poet of the *Christian Year* and Editor of Hooker, should have known better. For Hooker has told him, and all, 'Ye are not now to learn that as of itself it 'is not hurtful, so neither should it be to any scandalous or 'offensive, in doubtful cases, to hear the differing judgments of 'men. Be it that *Cephas* hath one interpretation, and *Apollos* 'another; that *Paul* is of this mind, and *Barnabas* of that; if 'this offend you, the fault is yours. Carry peaceable minds, 'and you may have comfort by this variety.'

ART. VII.—1. *Report from the Select Committee of the House of Commons on Medical Education; with the Minutes of Evidence, and Appendix.* Part I. Royal College of Physicians, London. Part II. Royal College of Surgeons, London. Part III. Society of Apothecaries, London. Ordered by the House of Commons to be printed, 13th August 1834.

2. *A Bill for the better regulation of Medical Practice throughout the United Kingdom.** (Prepared and brought in by Sir James Graham and Mr Manners Sutton.) Ordered by the House of Commons to be printed, 7th August 1844.

FEW objects of general legislation have till lately attracted so small a share of public attention in this country as Medical Reform. So little has been the interest taken in it by any parties except those professionally concerned, that, when the subject at length comes forth in the shape of a contemplated legislative measure, people seem taken by surprise, and wonder what call there is for Parliament interfering in medical matters. Nevertheless, seldom has Parliament been more pertinaciously besieged for redress of grievances than by the medical community during the last eighteen years. And there is not, we will venture to say, a single member of that community but who feels convinced, that, as a body possessing common interests, public privileges, and no mean influence on the welfare of society, his profession is in a most unsatisfactory state, and much in need of that control which Parliament alone can extend.

It is not difficult to perceive, why the grievances thus widely felt in the circle of the medical profession should have made hitherto so little stir any where else. But this a matter of small moment. And the only reason for alluding to it here at the outset, is to call attention to the fact, which will appear in the sequel, that the movement which has at length been effected is one in which the public is vitally interested, and may not any longer regard with indifference. The introducer of the bill which is the result of this movement, has allowed the country ample time for considering its provisions. In taking advantage of the opportunity thus presented, it will be our endeavour, with all the impartiality attainable in so complex a question, involving so many corporate interests incompatible with one another, and sometimes with the well-being of medical science and of society itself, to point out what are the defects in the organization of the medical profession in Britain that have led to discontent among its members; how these defects have arisen; and how far a remedy will be provided by the 'bill for the

'better regulation of medical practice in the United King-'dom.'

The first step towards attaining this object is to have a clear idea of the constitution, privileges, and government of the various medical bodies in the three kingdoms which have had public rights conferred on them by charter or statute. The mode in which their several charters of erection have been put in force, and the consequences to themselves and the public, will supply the best possible information both as to the institutions which ought to be retained, and the new powers which may be safely *entrusted to them, in any future efforts at medical legislation.*

Britain, early and long conspicuous for the cultivation of every branch of medical learning and medical practice, stands behind every other great European kingdom in the department of medical legislation. Yet it is not for want of early and frequent attention to the subject, that she now occupies this position. No less a period than four hundred and twenty years has elapsed since the first attempt was made to organize the profession by state authority; and the archives of both Crown and Parliament during that long interval show, that neither medical men nor legislators have been at any time unaware how much medicine stands in need of national protection and encouragement. But, through a strange fatality, every step hitherto taken by the Governments of this country has resulted in measures, either embracing a limited portion only of the medical profession, or applicable to a limited locality. They have, therefore, been passed more with a view to partial interests, than to the welfare either of the profession generally, or of the public at large. Conflicting interests have thus been established, the source of unceasing jealousies and heart-burnings. And, granting that the institutions thus founded have not been without their use, it is undeniable that the aid contributed by them to the advancement of medicine, has been greatly less than was to be expected from the machinery put in motion, or than would have been derived from a more comprehensive and simple design. If matters have been thus situated in England, Scotland, and Ireland, considered apart from one another, they have not been bettered by the views in medical legislation which have been in favour since the union of the three kingdoms. For in every public measure of the kind, without exception, from the period of the Scottish Union down to the present day, all parties concerned seem to have been scrupulously solicitous, that, as regards medicine, we shall remain a disunited empire. The result has been a mass of confusion, out of which it is vain to expect that order can ever arise without extraordinary efforts and some sacrifices. That this is no idle exaggeration, may appear from the simple fact, that,

at the present moment, there are in these islands no fewer than nineteen distinct sources of medical honours and privileges, nineteen different modes of education for attaining them, and fourteen varieties of professional rights and immunities attached to them; and that the training required for those who aim at the highest of all medical titles, the Doctorate in medicine, varies at different institutions, from little else than access to the Archbishop of Canterbury's favour, up to a course of ten years' laborious cultivation of classical literature, philosophy, and medical science.

The first step taken in Britain for regulating the medical profession was in the year 1422, during the reign of Henry the Fifth; at which period so many 'unconnynge and unaproved' persons, females included, were 'practysours in fysyk,' that all who had not a University degree were required, under the superintendence of the sheriffs, to repair for examination to one of the Universities, and all others were made liable to arbitrary punishment at the hands of the Privy Council. For the greater part of a century afterwards, no other qualification than a University degree or examination seems to have been recognised in England for conveying a legal right of practising medicine.

But, in 1513, in the third year of Henry the Eighth, an act passed the legislature, the first of a series of royal charters and parliamentary statutes, out of which successively arose a new set of institutions, destined erelong to supplant or control the Universities in the rights they had previously alone exercised. This act required, that all persons practising either physic or surgery in London, or within seven miles of it, should undergo examination before the Bishop of London, aided by four Doctors of Medicine or Surgeons, as the case might be; and that all practitioners in England, beyond this district, should be similarly examined and licensed by the Bishop of the diocess or his Vicar-general. By-and-by the aid of the bishops was felt not essential; and in 1518, Dr Linacre, the king's physician, had interest enough with his royal master to procure for his brethren a charter of incorporation, containing as large powers as were ever granted in these kingdoms to a mere corporate body. This charter, which founded the present Royal College of Physicians of London, and still continues in force, charges the body with the supervision and scrutiny of all persons practising physic in the city of London, or within a circle of seven miles round it; and with the power of punishing by 'fine and imprisonment, 'and other fit and reasonable ways, all unprincipled persons who 'may practise there from avarice, rather than in the faith of a 'good conscience.' Four years afterwards, when the charter was ratified by Parliament, the additional privilege was added, that no one but a University graduate should practise physic in any part

of England, without undergoing an examination before the President and his Council, and receiving letters-testimonial to that effect. In 1540, another act, in the same reign, directed that the College should appoint four of its members as censors, with power to visit the apothecaries' shops in London, along with the warden of the Apothecaries' Society, and destroy all defective or injured drugs; and the College was further declared to have superintendence over the practice of surgery as well as medicine, inasmuch 'as the science of physic doth comprehend, include, and contain 'the knowledge of surgery.' About twenty years later, a further act, in the reign of Mary, enjoins all civic functionaries to aid the president in carrying his judgments into effect.

It is plain, that had these powers been exercised with prudence and forethought, the College might have brought the whole profession, surgical as well as medical, under its wing. The apothecary and the surgeon, as now constituted, had, at this time, no existence. The apothecaries were an incorporated craft, confined to the preparing of medicines, or that department which is now the province of the chemist and druggist. The surgeons were also a craft, few in number, restricted to the treatment of external diseases and injuries, and the performance of some insignificant operations, and held so little in repute, that in an act passed in 1518-19, for preventing them from interfering with 'divers honest men and women,' who, for charity, applied their knowledge of herbs to the cure of external diseases among the poor, they are described as for the most part a very ignorant and mercenary class of men, 'who have small cunning, yet will 'take great sums of money, and do little therefor; and, by rea- 'son thereof, do oftentimes impair and hurt their patients rather 'than do them good.' Had the College, therefore, taken an enlarged view of the privileges conferred on it—had it organized the profession in several classes, from the lowest of which men of talent might have aspired, on fair terms, to a place in the highest —had it wielded with moderation the summary executive powers with which it was entrusted, it might have preserved, as in most continental countries, physicians, surgeons, and general practitioners, as distinct parts of one common faculty, maintained them in due relationship to one another, confined the apothecaries to their right place as pharmacopolists, secured the attachment of the whole medical profession as its constituent members, and commanded means, such as no other country during the last three centuries could supply, for the encouragement of all branches of medical science.

But, instead of following a policy now at least so obvious, it left surgery to shift for itself elsewhere. It took no account of what is called general practice, destined to be erelong the occu-

pation of by far the most numerous class of practitioners. It strove, with too great success, to maintain itself an aristocratic institution, limited to a few highly educated men, and unapproachable except through the tedious and costly channel of the two Universities of Oxford and Cambridge. And it exercised its powers in a spirit imbibed from the despotic times in which it arose, and the tyrannical monarch to whom it owed its origin.

Nevertheless, the College was by no means governed on false fundamental principles when these errors were committed. The great objects held in view were, the discouragement of irregular practice on the one hand; and, on the other, the encouragement of the highest attainable education on the part of the regular profession. But the means adopted for applying these principles, well contrived as they appeared to be at the time, have proved, upon trial, singularly inoperative in suppressing professional abuses, and scarcely more serviceable in advancing general medical education.

The history of the College of Physicians in these respects is peculiarly important, because it will furnish a warning example in reference to some of the leading questions which have agitated the medical profession since the appearance of Sir James Graham's bill.

The only method which occurred to the College in its early days for discouraging irregular practice, was to wield with vigour the summary powers conferred upon it by its charter. Accordingly unlicensed practitioners were put down by fine and imprisonment, with a zeal which might have savoured of persecution, were it not that scarcely any offenders but ignorant empirics stood in the way, at a time when the two English Universities constituted the sole available sources of supply for regular physicians. But afterwards, the celebrity of the continental schools of medicine, and especially of that of Leyden under the star of Boerhaave, attracted many pupils from England, in whose Universities medicine never was efficiently taught. The splendour which soon afterwards surrounded the medical school of Edinburgh, drew towards it still greater crowds of disciples. The very graduates of the English Universities themselves, having finished their training in classical literature and pure physics—which summed up all they could acquire of professional education at Oxford or Cambridge—imbibed medical knowledge almost exclusively from the prelections of Boerhaave and Van Swieten, of Monro, Whyte, Cullen, Gregory, and Black. It was not surprising that, in no long time, they found their rivals at school ambitious also of rivalling them in practice. The graduates of Holland and of Edinburgh, forgetting their defect of title, in respect of their not being members of an English University,

established themselves in great numbers throughout England, and even in London itself. But here a broad distinction was drawn by the College of Physicians. Its exclusive monopoly, which had till then served to put down quacks, was found not less effectual for putting down all un-English graduates; in preparation for which, it had obtained no less than a royal letter in 1674, directing it not to admit any 'foreign physician or 'doctor' to the fellowship or privileges of the College, but to require every one to have been regularly trained and graduated at Oxford or Cambridge.

Seldom has a royal message been responded to with such persevering loyalty. For a century and a half it was borne in mind throughout every political vicissitude. The present President of the College informs us, so recently as 1823, that 'physicians are 'rarely admitted fellows of this learned body, unless they have 'previously graduated in one of the English Universities.' * An inferior membership was indeed established, into which others than English graduates might be admitted, on examination and payment of fees. But this class, distinguished to the present day as a lower one by the name of licentiates, acquired nothing more than the bare liberty of practising in London. They were excluded from all hope of one day being received into the bosom of the College as fellows. They had no share in the government of the body, no privilege of access to its hall, no right of using its library, no recognition at its celebration meetings. So far as the College was concerned, they were treated as an inferior order of society. Yet this class has long comprised a large proportion of the most respected and popular physicians of the metropolis. In 1836, it comprised 265 members, the fellows being 164. And what has been the natural consequence of these exclusive measures?

In the first place, occupied in compelling foreign graduates to purchase a nominal connexion with itself, and in crushing the pretensions of its licentiates to share in the privileges of the fellowship—as proved by an uninterrupted series of civil actions down to about the year 1825—the College has been turned altogether from the occupation of suppressing empirics, originally its legitimate object. Technical disqualification became the sole crime on the College statute-book. Real ignorance ceased to be any offence; and quackery has been left unchallenged. Such has been the issue of the first attempt in this country to suppress irregular practice by direct and stringent enactment.

But the invidious distinction drawn by the College between

* Paris's *Medical Jurisprudence*, i. 3.

English and other graduates has had another result, not less remarkable in relation to the present movement in the medical profession. 'That a distinction, founded on such a basis, should 'have excited an angry and jealous feeling in the excluded party, 'is not extraordinary.' So spoke, in 1823, its present President.* And although with a pardonable regard for his University and College, Dr Paris has endeavoured to show how this 'not extra-'ordinary' irritation was nevertheless most unnatural, it increased afterwards to so great a height, that when a device was not long ago fallen upon for propitiating the licentiates, not English doctors, by admitting the most distinguished of them *speciali gratiâ* to the fellowship, the general body spurned the proffered boon as conveying no privilege; and many eminent men among them coldly regarded, or actually declined, the grace that was offered.

The licentiates being mostly graduates of the University of Edinburgh, their cause naturally attracted the sympathy of the Scottish Universities; and not only of the ruling authorities there, but likewise of their graduates, scattered throughout the country districts of England, where they were held in general respect, and practised without hinderance or contumelious distinction. Thus, through its injudicious treatment of all graduates not from Oxford and Cambridge—attaching importance to mere technical distinctions in education, and careless of the real opportunities of instruction or actual endowments possessed by candidates for affiliation—the College gradually lost the confidence and attachment of the great mass of physicians in England, comprehending the most highly educated, enlightened, and influential members of the English medical community. And although, as will be seen presently, the College has recently done much towards rectifying these errors, there rests a strong and general conviction, that something more binding than its own will and pleasure is needed for stamping its future acts with the liberality, which alone is wanted, in order to win for it favour and efficiency. Such is the origin of one cause of the present discontent and confusion in the medical profession.

The peculiar mode in which the College has applied its charter, has had another important result, which deserves to be looked into narrowly. There can be no question that the proceedings of the College have been founded on the incontrovertible principle, that it is right to encourage a high standard of professional education among its members, and so to elevate both its own scientific character directly, and reflectively that of the medical

* Paris's *Medical Jurisprudence*, i. 3.

profession at large; before whom it was not unreasonable to hope that the attributes of the fellowship might be held up as something worthy of imitation.

Have these objects, then, been attained? Has the general standard of medical education in England been elevated? Has a high scientific character been secured for the College itself? It may appear bold to reply in the negative; but, nevertheless, such is the general opinion, as well as the truth. All parties seem to be agreed, that education throughout the English medical profession at large has long been in a low state. The advantages boasted of by the College advocates, as being derived from the high standard set up before the country in the qualifications for its fellowship, have never been realized beyond the narrow limits of its own body—either because the standard was fixed too high, or, more probably, because those who might feel inclined to come up to it, saw they would thereby reap no substantial benefit, owing to the artificial barriers raised against them by the College bylaws. And it admits of little question, that whatever is estimable in the character of medical men throughout England generally, has been owing rather to the direct encouragement given to medical education elsewhere—such as by the three Colleges of Surgeons, one or two of the Scottish Universities, and, as some will have it, by the London Society of Apothecaries. As for the College of Physicians itself, although the standard of education for its members has been unequivocally high, doubts may arise whether it has been of the right sort. The College bylaws have always made ample provision for the classical attainments of its fellows. The necessity of an English University education secured for them that species of knowledge, which enabled it to issue its edicts and pharmacopœia in undeniable Latin, and to listen to a Harveian oration in well-sounding Greek. But its history supplies no parallel proof of the encouragement of physical science, even in the branches most nearly allied to medicine. For example, the London Pharmacopœia, its chief scientific production, has usually been a good many years behind the state of chemistry and botany, the two sciences on which it mainly rests. Even the last edition of 1836 is no absolute exception. Its botany is at least ten years in arrear. On the authority of Professor Lindley, among the vegetable drugs contained in it, 'twelve are referred 'to plants which certainly do not produce them; and twenty-six 'others have been assigned to their sources with more or less 'inaccuracy.' * And as for the chemical details, themselves

* *Flora Medica*, Preface, p. 6.

often incorrect, it is no secret that the College, unable to find within its own circle a fellow sufficiently conversant with chemical science to furnish the necessary information, employed for the purpose a professional chemist, not attached to physic at all. The result would have been very different had the College been able to call, with any grace, for the aid of its licentiates; among whom were several in London amply competent for the task.

We hope the object of these strictures, on the policy of the London College of Physicians, will not be misunderstood. The College has long been a body eminently unpopular in all parts of Britain. The foregoing sketch of its history will supply cogent reasons why such must have been its fate. But we do not desire to extend, or even to justify, its unpopularity. Our sole purpose in thus tracing its history, is to deduce a lesson or two in the present conjuncture. For valuable are the hints which that history furnishes to the legislator. The experience of the London College of Physicians tends to establish three principles in medical legislation: first, that quackery is not to be put down by direct penal enactments; secondly, that the power of inflicting direct penalties for irregular practice is apt to be perverted, and applied against nominal or technical irregularity merely, instead of real ignorance; and thirdly, that uncontrolled powers cannot be safely entrusted even to the most enlightened medical corporations. We shall presently find further proof of the truth of these propositions.

Let not our strictures, then, be misapplied. They are dictated by no feeling of hostility or disrespect towards the College. On the contrary, lamenting the old errors which have crippled its usefulness, we at the same time frankly acknowledge the services it has rendered to medical science within the sphere to which it thought fit to confine itself, and the success with which it has preserved the profession of medicine in a station in society scarce attained in any other country but our own. We regard, too, with satisfaction the proofs it has lately given of its containing the elements of a more liberal policy. For within a few years the technical distinctions, which long shut out all but a favoured few from its halls, have been in a great measure done away with; and access to the fellowship is now allowed to all graduates, wherever educated, who prove themselves, by examination, to be duly qualified.

In London, and within a distance of seven miles around, the only persons legally entitled to practise as physicians are the Fellows and Licentiates of the College of Physicians. In other parts of England the right has been long allowed by courtesy and usage to all graduates, but is legally possessed only by the

extra-licentiates of the College, a very limited class of its members, and by the graduates of the Universities of Oxford and Cambridge. These graduates consist of a small number of Doctors and Bachelors of Medicine. The Doctors, the only important body of men who practise with the university title alone, have to undergo a long course of education, general as well as professional, which extends to about ten years. The candidate must pursue his general studies in the University where he is to graduate; but, during a great part of his professional studies, his University attendance is nominal merely; so that he may repair to any other school, academic or non-academic, because the two Universities themselves present, as is well known, but limited opportunities of medical instruction. Hence the Doctor's degree can be obtained only by a few, as the period of study is unduly protracted, and the expense necessarily very great. The degree of Bachelor, which may be obtained on somewhat easier terms, is one upon which few practise at present; but, with some modifications, it might be made a useful as well as honourable title. A few years ago the foundation of the London University, which, however, consists of a senate and examiners only, has put the degree of Doctor and Bachelor of Medicine within easy reach of any one who can stand the ordeal of examination. This institution, unlike all others in Britain, trusts, in a great measure, to a complex system of examinations as evidence of a candidate being qualified. And it is not necessary that any part of his period of study be spent in a university, or even in a medical school of consideration; for the senate is entitled to recognize, and actually acknowledges, as qualifying for examination, attendance at the most petty provincial medical schools, equally as at the most eminent schools of Universities, Colleges, and Metropolitan Hospitals. It is plain that, if the system at Oxford and Cambridge is too exclusively academic, that adopted by the London University is on the contrary much too loose, and indeed partakes in no respect of the academic character.

It has been observed above, that about the period when the College of Physicians was founded, there existed in London a craft of Surgeons, limited, however, in number, and apparently held in low estimation. This body seems to have arisen a long time before. For an Act of Parliament, passed in 1513, for exempting them from service as jurors, constables, and watchmen, describes them as having enjoyed by usage an exemption from bearing arms, 'from the time that no mind is to the contrary.' They were not incorporated, however, till 1540, when another act united them with the barbers, at that time an incorporation of eighty years' standing. Among various privileges

conferred by this statute, the masters of the united crafts were empowered to search for and correct delinquents who contravened the statute; and transgressors were made liable to a fine of five pounds per month. Although the two crafts of barber and surgeon were thus bound together, they were nevertheless oddly declared by the statute to be distinct, and an attempt was even made to define their respective limits, beyond which neither party was to encroach upon the other.

Under this alliance, it is no wonder that surgery long languished in England. On the one hand, it was degraded by being linked to a mere handicraft trade, which never could, by any possibility, be elevated to any thing better; and on the other hand, it was in an evil hour thrown off, as we have seen, by the College of Physicians, in defiance, too, of an act which declared the two branches of the profession to be one and indivisible.

The incorporation of surgeon-barbers existed for more than two centuries. In 1630, a charter of Charles the First extended the jurisdiction of the surgeons to a distance of seven miles around the metropolis, prohibited any one from practising within that district who had not been examined and licensed by them, and likewise granted to their licentiates the right of practising surgery throughout all parts of England. In 1745, in the reign of George the Second, the surgeons—mainly, it is supposed, through the exertions of the celebrated Cheselden—were again severed from their barber brethren, and erected, by Act of Parliament, into a distinct corporation of 'Masters, Governors, 'and Commonalty of the art and science of Surgeons,' with all the privileges possessed by them in their previous united condition. In consequence of this act being allowed, in some unaccountable manner, to fall into abeyance, a charter of George the Third incorporated the surgeons anew in 1800 as a Royal College; and in the year just elapsed, the constitution of the body has been materially altered and liberalized by another royal charter, not yet ratified by Parliament.

It is doubtful whether the charter of 1800 intended to confirm the exclusive right of practice, and the liability of trespassers to penalties, as enacted by the statutes of Henry the Eighth, Charles the First, and George the Second. A charter, however, does not take effect, so far as penalties are concerned, until ratified by Act of Parliament; and that of 1800 never was so ratified. But, independently of this, it does not appear that the London College of Surgeons, from the date of their incorporation as a distinct body just a century ago, ever attempted to put down irregular practice, by prosecutions for

penalties; which, by the statute of 1745, they were entitled to do. Yet no mischief seems to have accrued from this policy, so different from what was followed throughout the same period by the neighbouring College of Physicians. Surgery has thriven in England during the last century and a half, in a degree unexampled in any other European kingdom. Nor has any fault been ever found with the College by its licentiates for thus failing to protect them against encroachment by unlicensed practitioners. Surgical empirics, indeed, are in England almost a nonentity—out of the regular profession.

But the College of Surgeons has been fiercely assailed, and not without justice, on other grounds. Until the recent alteration of its charter, its constitution was most unpopular. It consisted of at least fourteen thousand licentiates, called Members, possessing testimonials of qualification to practise surgery, but without any College privilege whatsoever, and of twenty-one councillors, to whom was entrusted, without control or responsibility, the conducting of the whole vast business of the body, comprehending the enactment of bylaws, the superintendence of surgical education, the examination of candidates for the membership, the management of a magnificent museum and good library, the outlay of a very large revenue, and the filling up of vacancies in their own number. No exclusive body of the kind could wield such powers in this country without exciting certain dissatisfaction, however pure and liberal might be its administration; and the council does not seem to have been over-careful to avoid just cause of censure in exercising some of its functions. In consequence, there arose latterly among the numerous licentiates of the College an irritation and hostility not certainly without a legitimate object, but nevertheless unreasonable in degree, and which a few years ago actually broke out in breaches of the peace.

Here, then, is a second source of the present discontent in the medical profession. The alterations, however, which have just been effected in the College charter during the past year, in the prospect of a general legislative measure, ought to put an end to every just ground of quarrel between the council and all moderate men among its dissatisfied members. For the charter of 1844 establishes an intermediate order between the council and members, called Fellows of the College, in whom is to be vested the future nomination of the council; several hundreds of the existing licentiates have been at once elevated to the Fellowship; and its ranks will remain always open to any one who has undergone a competent education, and gives satisfaction on his trials before the College examiners. It is true that the manner

in which the final council under the old charter has applied the new one at the outset in appointing Fellows, has raised an outcry in many quarters. But the reasons for this outcry appear to us frivolous; and were they as sound as their entertainers imagine, they would constitute no argument against the charter as a liberal and judicious measure, since time is needed for remodelling the body under its instructions.

In the early ages of medicine, physicians themselves prepared their own remedies. But even in ancient times there arose also a class of men, probably at first mere herbalists, who encroached on the physician's province, by preparing drugs and reducing them to a fit state for administration. And it was not long before they added to the simple occupation of selling their drugs, a little advice how to use them. Such was the origin of the present race of apothecaries—a class of men that has now disappeared from all the most civilized kingdoms of Europe except England, and whose maintenance there has done more to degrade the medical profession—to retard the advancement of medical practice—and to stir up the present commotion among medical men—than all other grievances, real and imaginary, put together. As no sound measure of Medical Reform can be conceived, which does not involve a material reduction of the importance of this now numerous and powerful body, it is necessary to consider attentively its constitution, privileges, and influence on the state of medicine.

Little is now known of the origin of the English apothecaries. That they did exist at a very early period, is evident from mention being made in the *Fœdera* of one Coursus de Gangeland, a London apothecary, receiving in 1345, in the reign of Edward the Third, sixpence a day for taking care of his Majesty's health while in Scotland. In 1606, they were united by a charter of James the First with the incorporation of grocers; a sufficient proof that they were held in no greater estimation at that time than the surgeons a century before. In 1615, however, the same monarch granted them a separate charter, under which the 'Master, Wardens, and Society of Apothecaries' exercised their trade in London and the suburbs for two centuries afterwards. In 1815, this charter was for the first time ratified by Act of Parliament, by which new privileges were also added, the most important that have been conceded to any medical body since the Act of Henry the Eighth in favour of the College of Physicians. This statute extends the jurisdiction of the Society over all England and Wales; leaves the administration of its affairs in the hands of the master, wardens, and court of assistants, who are all self-elected; authorizes them to grant licenses to prac-

tise the trade of apothecary; requires for this license that every applicant shall have served a five years' apprenticeship to a member of the Society; empowers the master, wardens, and others, to enter the shops of all apothecaries for the purpose of destroying spurious drugs and fining the possessors of them; and prohibits every one from practising as an apothecary in England or Wales without the Society's license, under a penalty of twenty pounds for each offence, to be levied by prosecution at the instance of the Society. Other powers and privileges are also granted, which it is unnecessary to particularize in the present sketch. Chemists and druggists, however, the frequent venders of inferior drugs, are exempted from the Society's search; and the right of practice of English graduates, English physicians, and English surgeons is reserved; but no mention is made of Scottish and Irish physicians and surgeons, by that time practising with great approbation and success throughout every corner of England and Wales.

Such is the now somewhat famous Apothecaries' Act. A more useless and mischievous scheme, professedly for the improvement of medical practice, but really for the aggrandizement of a useless incorporation, could not easily have been devised. This we think will appear sufficiently from the following exposition.

Familiarity reconciles many odd usages. But few usages are more singular than the mode in which the profession of an apothecary has long been practised in England. He visits his patients—medical, surgical, or obstetrical—as a physician or surgeon does, and he prescribes for them. He then, through means of his apprentices, makes up his own prescriptions in his own laboratory, whence alone his patients are supplied. He does not charge directly for his visits and advice, the most material part of his services, because he is supposed to be not legally entitled to do so. But he lays this charge upon his medicines, which he sells in form as other tradesmen, but, unlike them, at a fictitious value, five, ten, or twenty times what they are really worth. The consequence is obvious. It is his interest, nay, it is indispensable for duly swelling out his annual bills, that both he, and the physician or surgeon with whom he consults on important cases, shall presc.ibe a profusion of drugs, expanded into a costly form, no matter what the disease may be. Physic is ordered rather to make a long bill than a quick cure. His profession is thus degraded to the level of a mere trade; and encouragement is given to a reckless habit of frequent drugging and complex prescription, which increases the uncertainty of medical practice, and retards the progress of knowledge in the most

important and most backward of all departments of medical science, that which relates to the actions and uses of remedies.

Accordingly, in all other countries but England, the apothecary's mode of practice has been for some time discountenanced, and in several it has long ago disappeared. In France and Germany an apothecary, in the English sense of the term, no longer exists. Medicine and pharmacy have been effectually separated by positive enactments, which prevent any one from practising both branches. In Scotland, although their conjunction is legal, it is rapidly dying out, especially in the great towns: in Edinburgh, for example, only five-and-twenty years ago, there was not a fellow of the College of Surgeons who did not keep his laboratory, full of drugs and apprentices; at present there is not one of them who does not send his patients to the laboratory of the chemist and druggist. Every where, in short, the profession of apothecary is disappearing, as incompatible with the state of medical science, except in England; but in England he has been fixed as a permanent incumbrance upon medicine by an Act of Parliament passed only thirty years ago.

In order to exercise such a profession with profit, it is necessary to have apprentices. Journeymen druggists, indeed, would have done their work better; but journeymen must be paid, while apprentices, on the contrary, both work and pay. The Apothecaries' Society—alive to this, although their professed object was to ensure a sound education,—introduced into their Act of 1815 a clause requiring all candidates for their license to serve a five years' apprenticeship with a member of the Company. In order to acquire the qualifications of a general practitioner, every young aspirant, during the five years of his life when his mind is most easily stored with knowledge and trained to habits of thought and action, was required to spend his days in the monotonous details of a petty laboratory. And this was called education. The Society, indeed, soon found it necessary to add something else. Apprentices were therefore required to spend some part of their period of service in also attending public medical lectures. And, gradually, a greater amount of attendance upon the various branches of medical prelection was required of candidates for the license, till at length a really tolerable curriculum of study has been enforced, which, however, the student may cram into the short space of seventeen months; and this in order that his master may command his undivided services for the remainder of the five years. To these measures the Society was compelled by public outcry, and the superior requisitions of other licensing medical bodies. And yet now, it puts forward the claim to having been in its day a great patron of medical edu-

cation, and the principal engine by which the qualifications of medical practitioners in England are thought, in recent times, to have been enhanced. The superior requisitions of the London College of Surgeons, of the Scottish and Irish Surgical Colleges, and of the University of Edinburgh, whence the great bulk of English medical practitioners of all kinds have been for some time supplied, have proved of little or no account, it seems, in improving the general character of the profession. All, or nearly all, the improvement that has been effected since 1815, has been owing to the Apothecaries' Society having winked at their apprentices stealing away for a year and a half from slavery, to attend a few courses of lectures.

We imagine that, in these days, any exposure of the absurdity of an apprenticeship, as the principal means of education in medicine, is wholly superfluous. Apprenticeships have been utterly abandoned in all the more advanced continental kingdoms of Europe. The last five-and-twenty years have gone far to extinguish them in Scotland, except as nominal servitudes; and of late, even the English apothecary has found it no easy thing to convince parents of the soundness of his favourite theory. Nevertheless, it has been rendered imperative on all general practitioners in England by an Act of the British legislature!

The most important and most obnoxious of all the privileges conveyed by the Apothecaries' Act of 1815, is that which prohibits, under a penalty, any one from practising as an apothecary without the Society's license. The original purpose of the clause is well known to have been to prevent the chemists and druggists from treading on the heels of the Society. But the followers of that trade proving too powerful for their adversaries, a saving clause was added to exempt them from the operation of the Act. The privilege, then, as it eventually stood, amounted to a general right of suppressing irregular medical practice, and was positively declared at the time, by its possessors, to be intended 'to restrain the ignorant and unqualified,' 'the wholly 'ignorant and utterly incompetent.' To this purpose, indeed, it was in the first instance applied. But, like the prohibitory power conferred three centuries before on the College of Physicians, it was speedily perverted to a very different use, which could never have been foreseen by the legislature.

At this time, in all parts of England and Wales were to be found well-educated men, possessing the diplomas of the University of Edinburgh, or some other Scotch university, or of one of the Royal Colleges of Surgeons of the three capitals, who, exercising their profession as general practitioners, found it necessary to follow the custom of the country, by practising

more or less according to the fashion of the English apothecary—that is, by supplying their patients with medicines as well as advice—and who had practised in this way so long without challenge, that they were supposed to have acquired a legal right to do so. The Apothecaries' Society speedily undeceived them. The penalty clause of the Act was found to be as efficacious against them as against mere empirics. The Society became aware that a more respectable professional title than their own, and a much more efficient education than what was required for their license, might be obtained without the thraldom and misspent time of an apprenticeship. Summoning, therefore, their penalty clause to their aid, they proved by a few prosecutions, and threats of more, that no Scottish or Irish professional title empowered any one to act as a general practitioner in England, unless he also possessed their own license. Their animosity being especially directed against Scottish physicians and surgeons, as their most numerous and formidable rivals, they further laboured to convince the country, in face of a century's experience to the contrary, that such practitioners were imperfectly educated, and unworthy of their high professional titles. And by the pertinacity of their misrepresentations; by boasting of a few instances where gentlemen with a Scottish professional title had failed to satisfy the examiners of Apothecaries' Hall, when resorting thither for the compelled license; and by taking advantage of the colour unfortunately given to their statements, through the carelessness of one or two of the Scottish seminaries in dispensing their medical honours—they succeeded in making many sound-thinking and impartial men believe their assertions; and have engendered against the graduates and licentiates, even of the most celebrated and conscientious of the medical institutions of Scotland, an unfounded prejudice which prevails to the present day.

It was against the University and Royal College of Surgeons of Edinburgh, and not the minor and less-esteemed bodies, that their efforts were mainly directed. And the penal powers conferred by their Act were called into activity, as was fully proved on the enquiry before Mr Warburton's committee in the House of Commons in 1834, not against ignorant and undeserving practitioners from the inferior Scottish seminaries, but against men among them who had been generally much better educated than a great proportion of their own body, and who had proved themselves fit objects of jealousy by nothing else than their professional success. It is needless to add, that untitled and really unqualified empirics were soon lost sight of when such higher game was in view. Genuine quackery, in short, has been none the worse

for the Apothecaries' Act of 1815. Thus was the spirit of the act perverted. On selfish grounds, and wholly irrespective of the public interest, their restricted powers were gradually employed to coerce, not unqualified ignorance, but mere technical disqualification. Such has been the fate of the second attempt made in England to extinguish quackery by the power of the legislature.

The privilege conferred by the Apothecaries' Act of checking the sale of adulterated drugs, was an important one, had it been duly vested, and indiscriminately exercised. It was in fact the only rational and unexceptionable privilege bestowed upon the Society. But it was rendered of no account by an exemption from the right of search being accorded to the retail chemist and druggist, who nevertheless was then, and still is, chiefly to blame, directly or indirectly, for the numberless adulterations in daily use.

This body—the Chemists and Druggists—who, amidst the partial and conflicting attempts hitherto made in medical legislation, have been more successful in guarding their liberties and interests than any other class of men attached to medicine—is deserving of some further notice in the present sketch of the history of the English medical profession.

The chemist and druggist is nothing more than what the apothecary was primarily; and indeed in some foreign countries, such as Germany, and even in Scotland, he still retains the original name. He preserves and dispenses drugs; he makes up medical prescriptions; and he sells in open shop to all, whether with a prescription or not. He does not necessarily practise medicine, and ought not to do so. But many give advice in their shops to their customers, and a few even visit them at their homes. Both practices are discountenanced by the better class in the trade; and both have naturally been the source of great animosity and discontent among apothecaries and other general practitioners.

This trade is one of comparatively late origin. As it never was incorporated till only two years ago, little is known of its early history. But it is supposed to have arisen at the beginning of last century, when the apothecaries of London, deserting their proper province, began to practise medicine, to the annoyance of the physicians; who retaliated by instituting dispensaries, where their patients might obtain on reasonable terms the medicines prescribed for them. Towards the close of last century the chemists and druggists had so increased in numbers and respectability, that the apothecaries, regarding their progress, naturally enough, with jealousy, organized an association in 1794 for arresting the encroachments which they were making on the

apothecaries' profession, 'by vending drugs and compounding 'the prescriptions of physicians.' The Apothecaries' Act of 1815 was the result and winding up of this association; and was, in the first instance, designed mainly to put down the chemists and druggists. But the attempt was too late. The chemists were already too powerful a body. They accordingly obtained exemption from the operation of the act; which, as explained above, was eventually turned against a very different class of men. At this period the chemists were united for the occasion to resist the designs of their opponents. But they were not formed into a permanent body, for the general interests of themselves and the public, till 1841, when 'the Pharmaceutical Society of Great 'Britain' was founded, which has since been incorporated by royal charter as an educational institution, seeking no exclusive privileges, and in this capacity has already extended widely its ramifications. The objects of the Society are to organize the members of the trade into a compact body, to restrict them as much as possible to the practice of pure pharmacy, to improve their education, and consequently their respectability, and thus to raise up in Britain a class like the French *pharmacien* and German *apotheker*, who are men of liberal education, and very often of high scientific accomplishment.

The extent and sources of the present medical discontent in England must now be in great part apparent. Physicians are dissatisfied because the Royal College, which ought to comprehend them all, has been long rendered inaccessible except to a favoured few, by arbitrary, vexatious, unjustifiable distinctions. Surgeons complain that the College of which they are the offspring threw them off, till very lately, as undeserving of promotion in the body, and reserved all its places and honours for a self-elected handful of men, chiefly drawn from the surgeons of the metropolitan hospitals. Apothecaries charge the druggists with quitting their counter, and converting themselves into medical practitioners. And all parties impute to the Apothecaries' Society, that, to the degradation of medicine, it associates practice with trade, strives to reduce other ranks of the profession to its own level, by compelling men of higher qualifications to take its license, and leaves quackery to flourish unchecked, while it tyrannizes over those who are unqualified in form merely.

The turmoil which has been thus created becomes confusion worse confounded, when there is added the overboiling of Scotch and Irish indignation, because in England medical practitioners of the two other kingdoms of the empire do not possess professionally that community of rights which it was, in their opinion, the intention of their ancestors, and the spirit of the Union, that

all should enjoy in medicine as in other respects. Nor must we omit in this summary, that England retorts on the sister countries, and with some reason, that, without the check she imposes, they would soon cause her rich fields of medical practice to be overrun with occupants, not always qualified exactly to her liking and her wants. It is now time to see what ground there is for these last mutual charges.

Scotland, besides her four universities, possesses three incorporations by which medical licenses are granted. These are the Royal Colleges of Physicians and of Surgeons in Edinburgh, and the Faculty of Physicians and Surgeons in Glasgow.

The Royal College of Physicians of Edinburgh, instituted by a royal charter which was ratified by the Scottish Parliament in 1681, possesses the exclusive right of physician's practice within the old city and certain suburbs. It is doubtful whether this right was ever enforced by the College. At all events, for more than a century not the most distant attempt has been made to restrain any one from practising without its license, unless where there was reason to dread the election of one, not a Fellow of the College, as physician of a public institution—a proceeding which has always been regarded with jealousy, and hitherto prevented by simple remonstrance. The College consists of about 130 fellows, of whom about forty-five are resident. A subordinate class called licentiates once existed and may be revived, but has been put an end to for the present by obstructions arising under the operation of the stamp-duties. The Fellowship is open to all graduates in medicine, and they are admitted by ballot; foreign graduates, however, being also liable to a preliminary examination. An institution so privileged and governed, presents few opportunities of malversation. Accordingly, the only charge brought against the Edinburgh College of Physicians in recent times, has been the too easy admission of native practitioners with foreign degrees—a charge which was not altogether undeserved, until the College, apprized of the mercenary mode in which such foreign universities as Giessen, Erlangen, and Heidelberg, bestowed their academic honours, enforced a regular examination upon all graduates but those of Britain. For a century past, the Royal College has been greatly distinguished by the number of eminent names in medical and collateral science which adorn its not very numerous list of Fellows, and by the superior excellence of its Pharmacopœia, especially since the master-hands of Cullen and Black first reduced it to shape in 1773.

The Edinburgh College of Surgeons is the most ancient medical institution in the United Kingdom. In 1506, James the Fourth of Scotland granted to 'the surregerie or barbour craft,'

incorporated a year before by the council of the city, a royal charter, empowering them to be the only venders of whisky in the burgh, and to prohibit any one from following their craft in the city until licensed by them, and after proving by examination 'that he knaw anotamea, nature, and complexions of every 'member in manis bodie, and all the vaynis of the samyn, that 'he may make flewbotomia in dew tyme, and in quhilk member 'the signe hath dominatioun for the tyme.' This charter, after repeated confirmation in subsequent reigns, was ratified by the Scotch Parliament in 1641. About the same period, certain local disputes between the surgeons and apothecaries of the town led to a union of the two bodies; and, in 1694, an act of William and Mary, ratifying former acts and charters, altered their designation to the 'Incorporation of chirurgeons and chirurgeon-'apothecaries of Edinburgh,' and extended their jurisdiction over the eight counties of Mid-Lothian, East-Lothian, West-Lothian, Fife, Peebles, Selkirk, Roxburgh, and Berwick, within which no one could 'practise any poynt or part of chirurgerie 'or pharmacy' without the license of the Incorporation. In 1778, they were converted into a Royal College of Surgeons by royal charter, which was afterwards ratified by Parliament in 1787, with all the privileges conferred upon the old incorporation.

The College now consists of two classes of members—a numerous body of licentiates, scattered over the whole British Islands and colonies, who have no share in the College government, but are all eligible to the Fellowship on examination and payment of fees—and about a hundred Fellows, of whom three-fourths are resident, and in whom is vested the management of the whole affairs of the establishment. A few of its members practise as consulting surgeons. Most, like the English apothecary, practise both medicine and surgery, and many even midwifery also. But they receive fees for their visits, and charge a mere equivalent for what medicines they may furnish; and in all large towns they are gradually abandoning the practice of pharmacy, which will erelong be left to the chemist and druggist every where in Scotland, except in rural districts, which can scarce support a distinct member of that trade.

This College has ever been among the foremost of the medical institutions of the empire in improving the education of its licentiates. It has given evidence of its public spirit and disinterestedness by gradually putting an end to certain educational exemptions at one time enjoyed by its apprentices; by establishing a splendid museum of anatomy and pathology chiefly at its own expense; and by allowing its monopoly of practice to fall into

abeyance. Like other medical bodies, indeed, it enforced its privileges in the early periods of its history; but for a long time it has imposed no check either upon technical disqualification or upon ignorant empiricism. It is therefore eminently popular in Scotland, and has unquestionably been of great service to the country and to the advancement of medical science. No malversation or illiberality has ever been charged against it, either in Scotland or any where else, except that, in England, its examiners have been accused of laxity in the discharge of their duty; and this accusation might be proved by some actual examples, not more numerous, however, than are believed to occur in the recent history of other surgical boards, and of the College of Surgeons of London among the rest.

The Faculty of Physicians and Surgeons of Glasgow is a body of quite a different stamp. It was founded in 1599 by royal letters-patent, empowering it to grant licenses for practising surgery in the four counties of Ayr, Dumbarton, Lanark, and Renfrew, and to prevent any one from practising medicine there except University graduates or persons licensed by the King's and Queen's physicians. In 1602 it was united with the barber craft of Glasgow; from which, however, it was again separated in 1722. In 1672 the original charter was, for the first time, ratified by an act of Parliament, in which the members are recognised as the incorporation of 'surgeons, apothecaries, and 'barbers.' The present title of the body is one which seems to have been assumed by itself. It has also claimed the right of examining in physic as well as surgery, 'a pretension certainly 'unauthorized by the charter;' for the first members of the Incorporation 'had no right by the grant to examine and admit phy-'sicians, or to grant licenses for the practice of physic.'* This institution is the only one in the United Kingdom which can be charged with being disposed to stretch its charter. All others have allowed their undoubted rights to fall more or less into desuetude, or kept within them, at all events. The Glasgow Incorporation has assumed a title never conferred on it, and claimed to exercise singly rights equal to those divided between two Royal Colleges in each capital. It is also the only institution in Scotland which has recently enforced its monopoly by legal prosecution; and, like all bodies that have done the same in England, its animosity has been directed of late, not against the really un-

* See Opinion of the Judges of the Court of Session, *Shaw's Cases*, xiii. 9; also case of the College of Glasgow against the Faculty, &c., before the House of Lords, p. 32.

qualified and ignorant, but against well-informed men, labouring under technical disqualification only; namely, against the masters in surgery of the University of Glasgow, an order of graduates instituted expressly by the senate of the College, in the hope of freeing their graduates generally from the humbling necessity of taking out the Faculty's license. The Faculty, by its heterogeneous composition, and the low requirements long in use for its license, has done more to reduce all medical practitioners within its limited jurisdiction to one common and low level, than even the English apothecaries. It is no rarity to see a retail chemist's shop in the streets of Glasgow graced with the superfluous and honoured titles of surgeon and doctor of medicine. The Glasgow Faculty of Physicians and Surgeons is, therefore, an unpopular institution in Scotland.

Of the four Scottish Universities, three have a complete medical school; the fourth, that of St Andrews, possessing professorships of anatomy and chemistry only. But all of them grant the degree of Doctor of Medicine. That of Edinburgh requires for its degree a four years' course of education in every branch of medical, surgical, and obstetrical science, taught practically as well as systematically. The Aberdeen course of study is nearly as complete; that of Glasgow is inferior in amount; and St Andrews long granted its degree without requiring any regular education at all. Edinburgh requires that three of the four years, and every subject of prelection, shall have been attended in Universities, and at least one of the years within her own walls; Aberdeen follows her example; Glasgow does not exact more than one University year of study, limiting, however, her recognition of private schools to a few of known celebrity, among which that of Glasgow itself is not one. St Andrews does not require any residence. The examinations at Edinburgh and Aberdeen, at least at Marischal College there, are sufficiently searching; in Glasgow they have been less so till of late; and at St Andrews there was long no examination at all, and what has been introduced a few years ago, with the aid of some private lecturers from Edinburgh and Glasgow, can scarcely be efficient, since it is well known in Scotland that rejected candidates, or despairing students of Edinburgh and other schools, meet with a ready outlet at St Andrews. In all the Scottish Universities, the degree of M.D. may be obtained at the age of twenty-one.

This brief summary will unfold various well-founded subjects of complaint and discontent in the Scottish University system; among which the following are the most important. The Col-

lege of Physicians and Universities of England maintain that every where in Scotland the highest medical honours are conferred at too early an age, and without an adequate general education. This charge is well founded, even against the University of Edinburgh. But it is replied that, although a few physicians, trained, as at the English Universities, for a long period in all the higher branches of literature and philosophy, as well as in medicine, may be in demand for the capitals and a few other large towns, and especially for teachers in the greater medical schools, such a class of men, educated so expensively, is not required for the wants of the country at large, which has hitherto been supplied in a great measure in all the three kingdoms from the more eminent of the Scottish Universities, especially that of Edinburgh. Frequent accusations have been made in England against all the Universities of Scotland for laxity even in the professional examinations. This charge is brought justly against St Andrews, not without some reason against Glasgow, but unfairly against Edinburgh and Aberdeen, where instances of undeserving persons being allowed to pass with success through the ordeal of examination are few and accidental. All the non-academic schools of the empire represent the regulations of the Edinburgh University to be vexatious, in not admitting attendance except at Universities. This involves a nice question, as to which much may be said on both sides. A few years ago, however, the medical faculty of the University proposed a measure, conceding a material relaxation of the exclusive rule; so that, although the proposal was thrown out by the general senate, or meeting of all the faculties, the principle may be held as acknowledged, that a strictly exclusive University system is unadvisable. The private medical school of Glasgow is particularly displeased that its immediate rivals of the University there will not recognise its lectures as qualifying for graduation, while those of the private schools of London and Dublin are admitted. The University of Edinburgh, on the other hand, insists that the sister college of Glasgow is too lax in what it has already done in this respect. Lastly, all parties, whether in England, Scotland, or Ireland, are indignant at the manner in which degrees in medicine continue to be made the subject of traffic at St Andrews.

The medical institutions of Ireland are the College of Physicians and College of Surgeons, the Apothecaries' Society, and the University of Dublin.

The College of Physicians, whose jurisdiction is limited to the capital, derives its present powers from an Irish Act of 1761, confirming and extending privileges granted by a royal charter

in 1692. This College was obviously erected on the basis of that of London, power being given to restrain unlicensed physicians by fine and imprisonment, and to search apothecaries' shops for the discovery and destruction of spurious drugs. Both privileges, as we understand, have been allowed to fall into desuetude. A bylaw, however, restricting the fellowship, as in London, to graduates of Oxford, Cambridge, and Dublin, has not only been long in operation, but was actually rendered imperative by an Act of Parliament in 1800, passed for establishing a school of physic in connexion with the body. All other graduates, including those of Edinburgh, whose University, at the time the act was passed, stood at the very head of the medical schools of Europe, and supplied Ireland with a large proportion of its physicians, as it still continues to do, are admissible only to the license of the College; and in that capacity they have no connexion with its government, offices, or privileges, further than that they enjoy the liberty of private practice in Dublin—a liberty which, by usage, is equally allowed to any one else. In 1826 the College consisted of seventeen fellows, its sole governors, fourteen honorary fellows, chiefly professors, and forty-seven licentiates.* The College of Surgeons, incorporated as the College of Dublin in 1784, was till lately composed of a small body called members, among whom all offices of honour and emolument in connexion with the body were confined, and of a numerous class of licentiates, who had no concern with the affairs of the College, and whose name was a mere title of honour, no exclusive privilege of practice being conveyed by the charter. But a subsequent act of the Irish Parliament, passed in 1796, relative to county infirmaries, conveyed to the Dublin College the important monopoly of eligibility to the office of an infirmary surgeon. The constitution of the College has just undergone some changes under a new charter, granted last year, in connexion with the contemplated general medical act. The College will henceforth consist of a council, in whom its government is vested, fellows who elect the council, and licentiates eligible to the fellowship, but without any new privileges of practice; and forms are fixed for the election of the teachers of a medical school, which for some time has existed under its protection. In Ireland, as in Scotland, the surgeons are the general practitioners of the country, the fellows of the College, however, being restricted from the practice of pharmacy. But in Ireland there is also a privileged class of apothecaries.*

The Irish apothecaries are privileged by their charter to prac-

tise pharmacy only. They originated in a joint corporation of apothecaries and barbers, which could boast of some antiquity. In 1745, a royal charter erected the former into a distinct incorporation, whose privileges were at first confined to Dublin; but in 1791 were not only extended over the whole kingdom, but were also ratified by an act of the Irish Parliament. According to this act, no one can 'open shop, or act in the art or mystery 'of an apothecary' in any part of Ireland, without the license of the Corporation. A clause in the act, which requires that every candidate for this license shall have served a seven years' apprenticeship with one of its licentiates, forms a complete bar to all rivalry on the part of other men, however well educated. We are not aware to what extent this monopoly has been enforced; neither have we had an opportunity of making ourselves so familiar as we could desire, with the state of medical privileges and practice in Ireland. We understand, however, that divers vexatious monopolies of a local nature exist, particularly in Dublin; and the singular solicitude of all the Irish acts, to exclude all but Irish medical institutions from the benefits of their provisions, raises a strong presumption in favour of exclusiveness and illiberality in the working of them. At all events, it is well enough understood, that the dissatisfaction existing in the medical profession of Ireland is by no means less than elsewhere, and is directed, as in England, against both the exclusiveness of home institutions, and the facility of encroachment from without. We also know it to have been the general impression of those who watched the evidence on medical education and privileges, led before the Select Committee of the House of Commons in 1834, that according to the Irish evidence, unluckily lost in the conflagration of the Houses of Parliament, there existed in the Irish bodies a greater propensity to tighten the grasp of monopoly—greater jealousy of the institutions of the sister kingdoms—a more mercenary disposition, and more general confusion and discontent—than in any other part of the empire.

The constitution, privileges, and policy of the various medical institutions in the United Kingdoms being so widely different, it was inevitable that conflicting interests should arise. The natural consequence has been unwarrantable acts of aggression and resistance—a disposition on the part of some of them to underbid their neighbours by offering easier terms of admission to medical honours—a dread on the part of their more upright rivals to carry into effect, in face of such examples, their own honest views towards self-improvement—and a general tendency to a pure utilitarianism in

medical education, which threatens to exert a chilling influence on the progress of medical science in Britain. Already, indeed, if we mistake not, has this influence begun to show itself. There is no longer to be recognised, during the last thirty years, that ample share which British medicine previously occupied of the field of discovery in physiology, pathology, therapeutics, and the allied medical sciences. It would require too long an argument to establish this proposition to the general satisfaction. But let those conversant with the history of medical science since 1815, reflect what are the discoveries that adorn its annals during that interval; and we fear they will find little to boast of in the number which falls to be assigned to the British medical profession.

Fortunately, however, the dissatisfaction which has long agitated all ranks of medical men, has reached such a height that it can no longer be overlooked; and a movement has taken place, which cannot now be stopped without the redress of many grievances being effected. For this result the country is indebted to the extravagances of the English Apothecaries' Act of 1815.

This Act had been but a few years in operation, when remonstrances against it were addressed from various quarters, but especially from the Scottish Universities, and the Surgical Colleges of Scotland and Ireland, whose graduates and licentiates were peculiarly exposed to suffer from its provisions. But the unsuccessful result of the attempts made to obtain this particular relief, proved that so many interests were involved in that single question, as to render a partial redress of medical grievances unattainable. And at length, in 1834, an elaborate investigation was undertaken by a Select Committee of the House of Commons, with Mr Warburton at its head, into the entire subject of medical education, privileges, grievances, and reform. With a patience and impartiality, for which adequate thanks have never been rendered him by the medical profession, Mr Warburton directed the proceedings of the committee for nearly four months; and the result has been a vast body of important evidence, a part of which, relative to the English medical corporations and schools, has been published in the three volumes quoted at the head of this Article; the remainder, relative to the institutions of Scotland and Ireland, having been lost in the conflagration of the Houses of Parliament not long afterwards.

Several bills, framed on the basis of Mr Warburton's enquiry, have been prepared or actually introduced by private members of the House of Commons. But they were not pressed, because,

besides being not satisfactory to the leading medical bodies, it became apparent that the strength of Government was necessary to push forward so comprehensive and difficult a measure as Medical Reform. Mr Warburton himself, Mr George Lamb, Mr Hawes, and Mr Macaulay, distinguished themselves on these occasions by their anxiety to effect a satisfactory amelioration. At last the attention of the present Home Secretary was attracted to the subject; and after consulting with various medical advisers in England, a draft of a bill was prepared in 1842, which, on subsequent communication with the principal medical institutions of Scotland and Ireland, underwent material changes, and was eventually laid before the House in August last.

A survey of the preceding statements will readily unfold what ought to be the leading principles of a sound legislative measure for reforming the medical profession. They are, uniformity of titles; the attestation to equal qualifications by them; equivalent education for obtaining them; equal privileges attached to them; facility of translation under them from one part of the United Kingdom to another; the enforcement of a minimum qualification for conveying public professional rights; encouragement for all to qualify for the highest professional rank; access to promotion from the lowest to the highest; the extinction of all local monopolies; the removal of all technical disqualifications. If to these objects be united the preservation of existing useful institutions, the establishment of a general superintendence and control over them, and a provision for stated public reports from the Board of Superintendence, a measure would result, which could not fail to advance the interests of medical science and the respectability of its followers, and to which no honest objections could be made on the part either of individuals or corporations. It may be a fair subject of question, whether it be prudent to attempt more by legislation, and, more especially, whether new monopolies, or, in the mild language of some reformers, 'more protection,' should be conceded to the profession at large. We are inclined to consider this a very doubtful ingredient of a sound Reform Act. But let its merits be fully considered. Meanwhile no question can arise as to the soundness of the other ameliorations specified above. Let us see how far they are comprehended in Sir James Graham's 'Bill for the better Regulation of Medical Practice in 'the United Kingdom.'

The bill is substantially founded on a remodelling of the six metropolitan colleges, together with the Glasgow Faculty of Physicians and Surgeons, all of them being rendered Royal Col-

leges, and those of the three capitals becoming Colleges of the respective kingdoms. They are all required, however, to part with any exclusive rights of private practice conveyed to them by previous acts or charters. The English Apothecaries' Society must also surrender its monopoly of general practice in England, but is otherwise left untouched in its corporate capacity. No restriction, therefore, will be left in future on private practice. Quackery may thrive if it can. The legislature will not interfere directly with its welfare. But practitioners under the contemplated act will, nevertheless, enjoy important public privileges. They alone are eligible as medical officers in the army, navy, East India service, and all public institutions, in the widest acceptation of that term. They alone are entitled to claim exemption from serving on juries or parish boards, to grant certificates in law proceedings, or to recover charges for advice, or for medicines 'administered or prescribed.' Unlicensed practitioners, too, are subject to a fine of twenty pounds for acting in an office for which they are not qualified, according to the act; and to trial for misdemeanour if they use a title implying that they are licensed.

Four classes of practitioners are recognised—physicians, surgeons, bachelors of medicine, and licentiates in medicine and surgery. The LICENTIATES, equivalent to the present English apothecaries, but entitled to charge for advice as well as medicines, are to be licensed on examination, not earlier than at twenty-one years of age—in London, by a board of the English College of Physicians with assessor Apothecaries, and another board of the English College of Surgeons,—and in Edinburgh and Dublin by similar double boards, but without any Apothecaries. And the two boards of each capital are authorized to unite themselves into a single board of examiners, if they choose. Licentiates thus approved of, will be admitted to a general professional register, on paying a fee of two pounds. BACHELORS, a title to be granted at the age of twenty-two, by Universities only, will enjoy no privileges as such. But, on passing the licentiates' examination before the examining boards of the Colleges, they will be admitted to the register, with the privileges of licentiates of medicine and surgery. And the examining boards of Universities and Royal colleges are empowered to unite in forming a single board. University bachelors, however, may take their College examination before any Royal College they please, except the bachelors of Glasgow, who are restricted, it would appear, to the intended Royal College of that city. PHYSICIANS in general must commence with a University degree of M.D.; which, however, car-

ries with it none of the privileges in the act. On their passing, not sooner than twenty-six, a further examination before any Royal College of Physicians, they become associates of that College, and are admitted to the general register on paying a fee of five pounds. The same amalgamation of University and College boards of examination is allowable in the case of physicians as in that of bachelors. In England the rank of physician may also be attained by licentiates of medicine and surgery after the age of forty, without a University degree, on examination by the English College of Physicians. In Scotland, the same privilege is not conceded to the corresponding College, because the Universities have expressed their willingness to confer a limited number of degrees in such circumstances. SURGEONS are to be licensed on examination by any College of Surgeons, or by the intended Glasgow College; they at the same time become fellows of the College; and at twenty-five they are entitled to admission on the general register for a fee of five pounds. Associates and fellows of any College, removing to a different kingdom, must join the corresponding College there; and they do so without examination, on paying merely an admission fee, which every where is to be charged separately from the examination fee. The qualifications of the four classes of practitioners are no further fixed than in regard to age, the minimum duration of professional study for physicians and surgeons, and the minimum residence of graduates at the University which passes them. The several ages have been already stated; physicians and surgeons must study professionally for at least five years; and the doctor or bachelor of medicine must reside two years at the British University, or one year at the Foreign University, where he is to be examined.

Every medical school must keep a register of students, and exact a registration fee of ten shillings for each; which fees, together with those of registration paid by the several classes of practitioners, will form a fund for working the act.

The act is to be administered by a 'Council of Health and 'Medical Education,' consisting of a secretary of state as president; a nominee from each of the six Colleges of the capitals; six nominees of the Crown; and five University regius professors; namely, those of physic in Oxford, Cambridge, and Dublin; of clinical surgery in Edinburgh, and of surgery in Glasgow. The powers of this council are ample. It is authorized to appoint its general and local secretaries, and the times and places for its meetings; to keep the register of practitioners, and publish it annually; to require Royal Colleges to report their schemes of study and examination for their letters-testimonial for physicians,

surgeons, and licentiates; to alter these schemes, and make them as uniform as possible in the three kingdoms; to sanction the bylaws of Royal Colleges; to refuse the recognition of any school, qualifying students for examination before the Colleges, unless it keep a register of students; to check and sanction the arrangements respecting examinations and fees where the examinations are carried on by two bodies: to require returns of examinations, and admission at all times for its members, and by special appointment for its secretary, at the examinations of Colleges; to suspend recognition of letters-testimonial where its regulations have been infringed; to declare what institutions are to be regarded as public, and entitled to employ only registered practitioners; to register existing practitioners as physicians, surgeons, or licentiates in medicine and surgery, according to their legal right of practice at the time of the passing of the act.

The clauses of the bill, of which we have now given a brief analysis, are obviously designed to secure all the objects formerly specified as constituting a prudent measure of Medical Reform. In one or two respects its provisions seem scarcely adequate to attain their end. Thus, the clause requiring graduates to reside some time at the University which is to confer their degree, intended apparently to check such lax graduations as those of St Andrews, will utterly fail in its object. It requires candidates to attend public lectures for at least two years within the precincts of the University, 'or of some medical school recognised by and 'in connexion with the same University.' Now, it ought to be known, that St Andrews 'recognises and connects' herself with every great or little medical school in the empire. The new London University also, by its charter, legally may, and actually does, exercise the same promiscuous recognition. But we really do not see why this dubiously-constituted body, endowed with no attribute of a University but the power of conferring degrees, ought not equally with others to be checked in the reckless exercise of her powers. Were the faulty clause to require intending graduates to study for two years in schools recognised by their University 'at the seat of the University,' a due check would be imposed on all, and one which cannot encroach more on the privileges of the London University or of St Andrews, than on those of Oxford, Cambridge, Dublin, Edinburgh, Glasgow, or Aberdeen, where such a provision is understood to be unobjected to.

The constitution of the Council of Health seems defective, in as much as the Universities are represented only by *ex officio*

members. The Universities of England have no great interest at stake, and few professors among whom to choose. But the others have interests in the bill not inferior to those of the Colleges, and ought to be as efficiently represented. Why should not the Crown select a physician or surgeon at pleasure from the professors of the five Universities? An unfounded importance has been attached by the framer of the bill, and by many English critics of it, to the control possessed by the Crown over regius professors, compared with others. But it really possesses no control except over their original appointment, or through the tedious medium of royal visitation, by which all others may be equally reached.

The anomalous position to be occupied by the present Faculty of Physicians and Surgeons of Glasgow, appears a blemish in the bill. A body, whose previous history furnishes but little claim upon public favour, scarce deserves advancement to privileges which in the capitals are shared between two, each more numerous and more esteemed than it. The only useful purpose it serves in the bill, the establishment of a check on the Glasgow graduations, like that imposed on other Universities through means of the Royal Colleges of the capitals, may be equally well attained, and more, as we understand, to the satisfaction of the University of Glasgow, through the medium of the Colleges of Edinburgh. We believe, too, it is the fact, that the important place assigned to this body is the subject of considerable jealousy to the medical corporations of London and Dublin. This is not surprising.

It is impossible to enter here into the minor details of the bill. They have been on the whole skilfully adjusted to the different systems of professional practice and education in the three kingdoms; and any defects we can discover seem susceptible of easy correction under the impartiality which has hitherto guided its framer, and the spirit of conciliation he has effected among the institutions concerned in its provisions.

There remain, however, two important questions of principle which demand attentive consideration. The bill has been much canvassed in the medical journals and at medical meetings in England. On these occasions, with a few exceptions, its provisions have been approved of so far as they go. Some, indeed, object to the great apparent influence of the Crown upon the proceedings of the council. This influence, however, is much less than it seems to be, and might be met by requiring annual reports to Parliament; in itself a useful addition. Besides, we entertain grave

doubts whether the nomination of the whole members of the council would not be better vested in the Crown than any where else. No other objection worthy of notice has been brought against its actual provisions. But, on the other hand, dissatisfaction has arisen in many quarters, because it is thought not to go far enough. For it is maintained that the medical profession ought to be more adequately protected against unlicensed practitioners, and that the licentiates of medicine and surgery ought to be formed into a corporation for the custody of their own interests and privileges. We apprehend, however, that these opinions, though advocated in many respectable quarters, will not stand the ordeal of dispassionate enquiry.

It is held, in the first place, that the medical profession requires more effectual protection against ignorant pretenders. This opinion is confined in a great measure to England. That quackery is now rife in Britain, all will admit. The cry in England is, that it must be put down by stringent penalties, easily enforced. But, in the first place, how is this to be done? It is easy to introduce a penalty clause into the bill. But how is the penalty to be inflicted? By prosecution at the instance of the common informer? The profession will not tolerate a mode so open to abuse. Or at the instance of any licensed practitioner? No gentleman would exercise so odious a right. Or of the medical bodies recognised in the bill? They will not incur the degradation, odium, or cost. Or by the central council? Its position is too elevated and delicate to be risked in so obnoxious a service. Or by a public prosecutor? There is no such officer in England. Then, how is the offence to be proved? It is not difficult to define the offence, but most difficult to obtain evidence of it, since the only direct proof lies, where it will in general be reluctantly furnished, with the individuals who have been irregularly practised on, or with their relatives. In fact the Apothecaries' Society itself tells us, that 'in consequence of 'the great unwillingness and backwardness in parties to furnish 'evidence, or to come forward as witnesses in cases where information is given respecting unqualified persons who are in practice as apothecaries, the endeavours of the Society to enforce 'the law have been in very many instances frustrated.' *

Whether owing to this difficulty, or to the enlistment of public sympathy on the side of all victims of the law for minor offences, or to the notoriety conferred by a prosecution on the very

Select Committee's Report, 1834, iii. App. 108.

object of it—all experience goes to prove that quackery cannot be put down by legal restraints, however rigorous. It has been shown above, that every attempt of the kind hitherto made in this country has proved a failure; and not owing to any want of powers, for no powers could be more summary than those of the London College of Physicians, or more grinding than those of the English Apothecaries' Society. Yet not only has every attempt hitherto failed; but likewise, in every corporation without exception, the powers designed for the suppression of quackery, if exercised at all, have been turned against men of education and skill, labouring merely under technical disqualification. Experience further shows that legislative restraints are not absolutely necessary to render quackery insignificant. In Scotland, for example, where no restrictions whatever are imposed on private medical practice, and under the toleration of the Colleges, a state of things has imperceptibly arisen, almost what Sir James Graham's bill contemplates for the whole empire—empiric practice is at a low ebb; and this, not owing to any inferior credulity on the part of the inhabitants of Scotland, but because empiricism is not brought into notice by persecution. In the large cities it is little known. In some country districts it is in more favour, but only among the working-classes, and nowhere to any considerable amount. Nor is there any wish in Scotland to interfere with it. The commotion raised in England for a restrictive clause in the bill, has aroused little or no sympathetic agitation there. Nowhere have Scottish practitioners complained of the want of such a restriction, except in one single locality—in Glasgow—remarkably enough the only quarter in the kingdom, where exclusive local privileges have not been allowed to fall into abeyance.

If the advocates of penal restrictions could oppose such facts by experience of a contrary kind from the history of the medical profession in other countries, doubts might be entertained of the force of these conclusions, But all experience in recent times is to the same effect. What may be the case in despotic countries, we know and care not. But in France, where laws of great stringency are in force, the same complaints are made of the prevalence of quackery as in England. And in the United States, the question seems to us to have been set at rest by a late report of the Monroe County Medical Society, containing returns from most of the States of the Union.* The

* *Transactions of New York State Medical Society*, 1844.

returns, indeed, present the greatest possible discrepance of opinion on the subject—some upholding the necessity of rigorous legislative interference, others representing it as at least inoperative, and others deprecating it as positively hurtful to the interests of medicine. No impartial reader, however, can rise from a perusal of the whole evidence, without being satisfied that the statements of fact and opinion, favourable to a system of penal restriction, are rendered altogether nugatory by such facts as the following in favour of the opposite policy :—

'*Rhode Island*: "Our legislature has done nothing for the suppression of quackery. * * * Quackery has its supporters among us, and especially at this time among the admirers of homœopathy. But, upon the whole, the regular medical practitioners have little to complain of in Rhode Island, being generally well encouraged."—*Virginia*. "We have no law in this state * * * prohibiting quackery; nor has any law ever been enacted imposing penalties and disabilities upon the quack, unless he be a *Negro*. Quackery has often raised its hydra head among us; but science and skill have invariably put it down; but not until much mischief had been accomplished."—*Maine*. "Soon after the State of Maine formed its constitution, a law was passed which deprived *new* made quacks of the benefit of the law to collect their dues. The effect was to procure *ready-money* fees, and to raise a hue and cry of persecution, which gained them many supporters."—*Vermont*. "At present, law has nothing to do in prohibiting quackery in any form. * * * The quacks * * * * in 1835, petitioned the legislature and obtained their request," namely, repeal of a prohibitory act. * * * "The abolition of this law has had a very salutary operation in the suppression of quackery. We have not had a quack in this town [Rochester] for three years."—*Ohio*. "An act to incorporate medical societies, * * passed February 25, 1833, * * imposed penalties for practising medicine without a diploma or license. * * * This act was repealed February 25, 1835. As far as my experience extends, the repeal of all law on the subject has had a tendency to diminish the number of quacks among us. This has certainly been the result in the town of Fanesville and its vicinity. During the existence of our medical law, the quack cried out to the people, that he was an oppressed and persecuted man; that if the law would extend to him the privileges granted the physician, he would convince the people of the superior efficacy of his remedies, and the wonderful success of his practice. This argument, however fallacious, had its influence with the ignorant. The repeal of this law at once robbed the quack of his stronghold on the sympathies of the public, and left that public unbiassed in its judgment of his merits, and the comparative success of his practice."—*Georgia*. "A law passed in 1826, imposed a penalty of five thousand dollars upon any one who should practise physic in Georgia without a license. * * * It is not certain that quackery is increased since the abolition of all penalties against it, which was done in 1835."—*New York*. "Every person not autho-

rized by law, who shall practise physic or surgery within this state, shall, for each offence of which be may duly convicted, forfeit and pay a sum not exceeding twenty-five dollars. * * * This law, passed April 7, 1830, * * is the one now in force. * * * The refusal of the legislature to grant their petition," namely, that of the quacks, for repeal of the law, " and the existing disqualification, afford them abundant ground for agitation—to cry out persecution—monopoly—calomel and the lancet—till thousands have had their sympathies enlisted in their behalf, have come to believe their senseless clamour, and had their prejudices aroused against the medical profession." '—(*Report, passim*)

The Report concludes with observing, that eight of the States never had any restrictive laws at all, and ten have repealed them; that the facts and opinions communicated are somewhat discrepant; but that—

' One thing is clear, viz., that quackery and patent nostrums every where abound, despite all law and the severest penalties. It is also equally evident that public opinion will not tolerate penal enactments prohibiting empiricism. The committee have, therefore, unanimously come to the following conclusions:

' *First.* That in the present state of the public mind, all penal or prohibitory enactments are inexpedient.

' *Second.* That it is most conformable to the spirit of our civil institutions, to leave perfect liberty to all to practise medicine, being amenable only for injury done.

' *Third.* That all legislation relative to the practice of medicine and surgery, as in all other arts and sciences, should aim to encourage, by affording such facilities as may be necessary to its highest prosecution.' —(*Report*, p. 48.)

These opinions, it will be perceived, correspond closely with the principles, which, in preparing his medical bill, have been deduced by Sir James Graham, partly from the common-sense view of the subject, and partly, we presume, from the sentiments of a preponderating majority of the enlightened men who had occasion to declare their sentiments during the enquiry of Mr Warburton's committee in 1834.

The demand raised among the general practitioners of England, for protective penal restrictions against irregular practice, has been followed by one for incorporation as a new Medical Institution or College. The request is a specious one; but, like the former, will not stand scrutiny. It is difficult to perceive what important public purpose is aimed at in this proposition. If it be to benefit medical science, we apprehend that the two existing Colleges, remodelled as the bill and new charters contemplate, and controlled by the general council, are already sufficient for that purpose. If it be to enable general practitioners

to defend and maintain their own privileges—these, by the tenor of the bill, are simple enough, and capable of being effectually defended by the general council; and should the additional protection they desire be conceded, enough has been said above to show, that the enforcement of a protective provision in the bill could not be safely left in their hands. If it be the mere love of power and consequence, the bill overturns all obstructions in the way of the ambitious, who may desire promotion to station and influence—all obstacles being removed which have hitherto prevented men of talent and education from advancing themselves to the highest position in the profession, that of fellows of the Royal Colleges. Besides, a new medical corporation could not be formed but upon the ruins of those which already exist, and more especially of the College of Surgeons, which could not possibly continue to flourish along with a distinct College of Licentiates in Medicine and Surgery. We must also confess, that the spirit in which Sir James Graham's bill has been received by the general practitioners of England, does not diminish the difficulties in the way of incorporating them into a distinct institution.

Sir James Graham's bill does not include the chemists and druggists. This branch of the profession stands as much in need of legislative interference as any other. But it was judicious not to complicate the question of Medical Reform with any additional elements. Should the present bill pass, it will be a comparatively easy matter to frame a supplementary one for regulating the practice of pharmacy.

It is rather surprising that, among the objections brought against the bill, no importance seems to have been attached to the great extent and summary powers entrusted to the Council of Health. Its powers are unequivocally such as will require to be exercised with great prudence and forbearance, especially in the first efforts for reducing matters to a system. It appears impossible, however, to avoid entrusting great discretionary power somewhere; and we repeat that the constitution of the body intended to possess it, seems to have been carefully and dispassionately considered. And all which seems necessary for security is, that its proceedings be subjected to the control of annual reports to Parliament.

On the whole, then, we feel convinced that Sir James Graham has succeeded in bringing forward a well-conceived measure, which, with a few alterations in regard to some comparatively unimportant details, ought to satisfy all who hold reasonable views as to medical legislation; that this opinion will be pre-

sently adopted by many of his opponents, who, for the time, had allowed the passions of a few to mislead them; and that the thanks of the medical profession, as well as the country at large, are due to him for the address and success with which he has reconciled conflicting interests, and harmonized materials not a little discordant.

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ART. I.—*Gregoire VII.; St François d'Assize, St Thomas D'Aquin.* Par. E. J. Delécluze. Two Volumes. 8vo. Paris: 1844.

HE had been a shrewd, if not a very reverent observer of human life, who bowed to the fallen statue of Jupiter, by way of bespeaking the favour of the god in the event of his again being lifted on his pedestal. Hildebrand, the very impersonation of Papal arrogance and of spiritual despotism, (such had long been his historical character,) is once more raised up for the homage of the faithful. Dr Arnold vindicates his memory. M. Guizot hails him as the Czar Peter of the Church. Mr Voight, a professor at Hallé, celebrates him as the foremost and the most faultless of heroes. Mr Bowden, an Oxford Catholic, reproduces the substance of Mr Voight's eulogy, though without the fire which warms, or the light which irradiates, the pages of his guide. M. Delécluze, and the *Bibliothèque Universelle de Genève*, are elevated by the theme into the region where rhetoric and poetry are conterminous; while M. l'Abbé Jager absolutely shouts with exultation, to witness the subsidence, at the voice of Protestants, of those mists which had so long obscured the glory of him, by whom the pontifical tiara was exalted far above the crowns of every earthly potentate. Wholly inadequate as are our necessary limits to the completion of such an enquiry, we would fain explore the grounds of this revived

worship, and judge how far it may be reasonable to join in offering incense at the shrine of this reinstated *Jupiter Ecclesiasticus.*

Except in the annals of Eastern despotisms, no parallel can be found for the disasters of the Papacy during the century and a half which followed the extinction of the Carlovingian dynasty. Of the twenty-four Popes who during that period ascended the apostolic throne, two were murdered, five were driven into exile, four were deposed, and three resigned their hazardous dignity. Some of these Vicars of Christ were raised to that awful preeminence by arms, and some by money. Two received it from the hands of princely courtesans. One was self-appointed. A well-filled purse purchased one papal abdication; the promise of a fair bride another. One of those holy fathers pillaged the treasury, fled with the spoil, returned to Rome, ejected his substitute; and mutilated him in a manner too revolting for description. In one page of this dismal history, we read of the disinterred corpse of a former Pope brought before his successor to receive a retrospective sentence of deposition; and in the next we find the judge himself undergoing the same posthumous condemnation, though without the same filthy ceremonial. Of these heirs of St Peter, one entered on his infallibility in his eighteenth year, and one before he had seen his twelfth summer. One again took to himself a coadjutor, that he might command in person such legions as Rome then sent into the field. Another, Judas like, agreed for certain pieces of silver to recognise the Patriarch of Constantinople as universal bishop. All sacred things had become venal. Crime and debauchery held revel in the Vatican; while the afflicted Church, wedded at once to three husbands, (such was the language of the times,) witnessed the celebration of as many rival masses in the metropolis of Christendon. To say that the gates of hell had prevailed against the seat and centre of Catholicism, would be to defy the Inquisition. But Baronius himself might be cited to prove that they had rolled back on their infernal hinges, that thence might go forth malignant spirits, commissioned to empty on her devoted head the vials of bitterness and wrath.

How, from this hotbed of corruption, the seeds of a new and prolific life derived their vegetative power, and how, in an age in which the Papacy was surrendered to the scorn and hatred of mankind, the independence of the Holy See on the imperial crown became first a practical truth, and then a hallowed theory, are problems over which we may not now linger. Suffice it to say, that in the middle of the eleventh century, Europe once more looked to Rome as the pillar and the ground of the truth; while Rome herself looked forth on a long chain of stately

monasteries, rising like distant bulwarks of her power in every land which owned her spiritual rule.

Of these, Clugni was the foremost in numbers, wealth, and piety; and at Clugni, towards the end of the year 1048, a priest, arrayed in all the splendour, and attended by the retinue of a Pontiff elect, demanded both the hospitality and the homage of the monks. His name was Bruno. His office, that of the Bishop of Toul. But at the nomination of the Emperor Henry the Third, and in a German synod, he had recently been elected to the vacant Papacy, and was now on his way to Rome, to take possession of the Chair of Peter. The Prior of the house was distinguished above all his brethren by the holiness of his life, the severity of his self-discipline, and by that ardent zeal to obey which indicates the desire and the ability to command. He was then in the prime of manhood, and his countenance (if his extant portraits may be trusted) announced Hildebrand as one of those who are born to direct and subjugate the wills of ordinary men. Such a conquest he achieved over him on whose brows the triple crown was then impending. An election made beyond the precincts of the Holy City, and at the bidding of a secular power, was regarded by the austere monk as a profane title to the seat once occupied by the Prince of the Apostles. At his instance, Bruno laid aside the vestments, the insignia, and the titles of the pontificate; and, pursuing his way in the humble garb of a pilgrim to the tomb of Peter, entered Rome with bare feet, and a lowly aspect, and with no attendant (or none discernible by human sense) except the adviser of this politic self-abasement. To Bruno himself indeed was revealed the presence of an angelic choir, who chanted in celestial harmonies the return of peace to. the long-afflicted people of Christ. Acclamations less seraphic, but of less doubtful reality, from the Roman clergy and populace, rewarded this acknowledgment of their electoral privileges, and conferred on Leo the Ninth (as he was thenceforth designated) a new, and, as he judged, a better title to the supreme government of the Church. The reward of this service was prompt and munificent. Hildebrand was raised to the rank of a Cardinal, and received the offices of sub-deacon of Rome, and superintendent of the church and convent of St Paul.

Not less assiduous to soothe, than they had been daring to provoke, the resentment of the Emperor, the Pope became once more a courtier and a pilgrim, while the Cardinal remained in Rome to govern the city and the church. Thrice Bruno visited the German court, bringing with him papal benedictions to Henry, and papal censures on Henry's rebellious vassals. So grateful and so effective was the aid thus rendered to the mon-

arch, that, on his last return to Italy, Leo was permitted to conduct thither a body of Imperial troops, to expel the Norman invaders of the papal territory. At Civitella, however, the axes of Humphrey and Robert, brothers of William of the Iron-hand, prevailed over the sword and the anathemas of Peter. Whether Hildebrand bore a lance in that bloody field, is debated by his biographers. But no one disputes that he more than divided the *fruits* of it with the conquerors. To them were conceded the three great fiefs of Calabria, Apulia, and Sicily—to the Holy See the suzeraintó over them. Humiliated and broken-hearted by his defeat, Bruno pined away and died. Strong in this new feudal dominion, and in the allegiance of these warlike vassals, Hildebrand directed his prescient gaze to the distant conflicts and the coming glories in which they were to minister to him. The auspicious hour was not yet come. His self-command tranquilly abided the approach of it.

Gebhard, Bishop of Eichstadt, enjoyed the unbounded confidence and affection of Henry. He had ever lent the weight of his personal advice, and the sanction of his episcopal authority, to sustain his friend and master in his opposition to papal encroachments. Yet Gebhard was selected by the discerning Cardinal, as of all men the best qualified to succeed to the vacant Papacy. Presenting himself in the Emperor's presence, Hildebrand implored his acquiescence in a choice in which he must perceive (such was the language of the Cardinal) that his feelings, his interests, and his honour, had all been anxiously consulted. The thoughtful German detected the net spread for him by the wily Italian. He struggled to avoid it, but in vain. He suggested many other candidates. To each Hildebrand had some conclusive objection. He urged that, by the favour and the testimony of Henry himself, Gebhard, and he alone, had been raised to an eminence unassailable by reproach, and beyond the reach of suspicion. Importuned and flattered, his affections moved but his understanding unconvinced, the Emperor at length yielded. If our own second Henry had studied this passage of history, the darkest page of his own had perhaps never been written.

Gebhard became Pope, assumed the title of Victor the Second, adopted, even to exaggeration, the anti-imperial principles of Hildebrand, and rewarded his services by a commission to act as his Legate *a latere* in the kingdom of France. By Victor, this high employment was probably designed as an honourable exile for a patron to whom he had contracted so oppressive a debt of gratitude. But the new Legate was not a man on whom any dignity could fall as a mere unfruitful embellishment. He cited before him the bishops and ecclesiastical dignitaries

subjected to his legantine power, and preferred against the whole body one comprehensive charge of simony. Of the accused, one alone stoutly maintained his innocence. 'Believest thou,' exclaimed the judge, 'that there are three persons of one substance?' 'I do.' 'Then repeat the doxology.' The task was successfully accomplished, until the prelate reached the name of him whose gifts Simon Magus had desired to purchase.' That name he could not utter. The culprit cast himself at the Legate's feet, confessed his guilt, and was deposed. More than eighty of his brethren immediately made the same acknowledgment. The rumour spread on every side, that the papal emissary was gifted with a preternatural skill to discern the presence in the human heart of any thoughts of Satanic origin. Popular applause followed the steps of the stern disciplinarian, and the wonder of the ignorant was soon rivalled by the admiration of the learned and the great. Such was the fame of his wisdom, that the claim of Ferdinand of Castile to bear the imperial title, was referred to his legantine arbitrement by the Spanish and the German sovereigns. He awarded that exclusive privilege to Henry and to his heirs. Ill had Henry divined the future. Rashly had he consented to hold the honours of his crown by the judicial sentence of a man, who, within twenty years, was to pluck that crown with every mark of infamy from the brows of his only son and successor.

When that son ascended the throne of his progenitors, and assumed the kingly title of Henry the Fourth, he was yet a child. Agnes, his widowed mother, became the regent of his dominions, and Victor the guardian of his person. But the Pope soon followed the deceased Emperor to the grave, and another papal election placed Frederick of Lorraine on the apostolic throne. In appearance, the choice was the undesigned and hasty result of a mere popular tumult. In reality, it was effected by the influence, as it promoted the designs, of Hildebrand.

Frederick was the brother of Godfrey, who, in right of his wife Beatrice, and during the minority of her daughter Matilda, exercised the authority and enjoyed the title of Duke of Tuscany. This promotion cemented the alliance between the Holy See and the most powerful of the Italian states, by which the northern frontier of the papal territories might be either defended or assailed. Nor were the clamour and confusion which attended it, really unpremeditated. For so flagrant a disregard of the rights of the infant Emperor, some excuse was necessary, and none more specious could be found than that which was afforded by the turbulence of popular enthusiasm. By what informing

spirit the rude mass had been agitated, was sufficiently disclosed by the first act of the new Pontiff. He had scarcely assumed the title of Stephen the Ninth, before he conferred on Hildebrand the dignities of Cardinal-Archdeacon of Rome, and of Legate at the Imperial Court.

After a reign of eight months, Stephen, conscious of the approach of death, left to the Romans his last injunction to postpone the choice of his successor, until the return from Germany of this great dispenser of ecclesiastical promotions. The command was obeyed. The Cardinal-Archdeacon reappeared, bringing with him the consent of the Empress-Regent to the choice of Gerard, Bishop of Florence, another adherent of the ducal house of Tuscany. He accordingly ascended the Chair of St Peter. Like each of his three immediate predecessors, he sat there at the nomination of Hildebrand—the one great minister of his reign, and director of his measures. At his instance, Nicholas the Second (so was he now called) summoned a council at which was first effected, in the year 1059, a revolution, the principle of which, at the distance of eight centuries, still flourishes in unimpaired vitality. It, for the first time, conferred on the College of Cardinals the exclusive right of voting at papal elections. It set aside not only the acknowledged rights of the Emperor to confirm, but the still more ancient privilege of the Roman clergy and people to nominate, their bishop. But Hildebrand was now strong enough in his Norman alliance, to defy a power before which so many churchmen had trembled. At his summons, Robert Guiscard broke down the fortresses of the Roman counts and barons, who, with their retainers, had been accustomed, in the comitia of papal Rome, to reveal the exploits of Clodius and his gladiators. Their authority was arrested for ever, and from that period their name ceases to appear in the history of pontifical elections. The title of Duke, and a recognition of his sovereignty, over all the conquests which he had made, or should ever make, rewarded the obedience of the Norman freebooter.

This service rendered to the cause of sacerdotal independence, Nicholas died. It was a cause which, however much advanced by the profound sagacity and promptitude of Hildebrand, could, as he well knew, triumph over the hostility of its powerful antagonists by no means less hazardous or less costly than that of open and protracted war. During the minority of Henry such a conflict could hardly be commenced, still less brought to a decisive issue. The rights of the royal child derived from his very weakness a sanctity in the hearts, and a safeguard in the arms, of his loyal German subjects. The time of mortal struggle was

not yet come. The aspiring Cardinal judged that by again resigning to another the nominal conduct, he could best secure to himself the real guidance, of the impending controversy.

To obtain from the Empress-Regent an assent to the observance by the Sacred College of the new electoral law, was the first object of the conclave which assembled after the death of Nicholas, at the command of Hildebrand. At his instance an envoy was dispatched to the Imperial Court, with the offer that the choice should fall on any ecclesiastic whom Agnes might nominate, if she would consent that the Cardinals alone should appear and vote at the ceremonial. The compromise was indignantly rejected. A synod of imperialist prelates was convened at Basil, and by them Cadolous, Bishop of Parma, (the titular Honorius the Second,) was elevated to the vacant Papacy. To this defiance the Cardinal-Archdeacon, and his brethren, answered by the choice of Anselm, Bishop of Lucca, afterwards known in history as Alexander, the second of that name. After a brief but sanguinary conflict in the open field, each of the rival Popes, at the mediation of Godfrey, retired to his diocess, there to await the judgment of a future council on their pretensions. But Alexander did not quit the city until he had acknowledged and rewarded the services of the head and leader of his cause. Hildebrand now received the office of Chancellor of the Holy See, the best and the highest recompense which he could earn, by raising others to supreme ecclesiastical dominion. Two successive councils confirmed the election of Alexander, who continued during twelve years to rule the Church with dignity, if not in peace.

The time had at length arrived when Hildebrand was to receive the high and hazardous reward which his unfaltering hopes had so long contemplated, and his self-controlling policy so often declined. Leo, Victor, Stephen, Nicholas, and Alexander, had each been indebted to his authority for the pontificate, and to his councils for the policy with which it had been administered. Successively Cardinal, Deacon, Archdeacon, Legate, and Chancellor of the Apostolic See, one height alone was yet to be scaled. In the great church of the Lateran the corpse of Alexander was extended on the bier. A solemn requiem commended to the Supreme Judge the soul of the departed, when the plaintive strain was broken by a shout, which, rising as it seemed spontaneously and without concert from every part of the crowded edifice, proclaimed that, by the will of the Holy Peter himself, the Cardinal-Chancellor was Pope. From the funeral procession Hildebrand flew to the pulpit. With impassioned gestures, and in a voice inaudible amidst the uproar, he seemed to be implo-

ring silence; but the tempest was not to be allayed until one of the Cardinals announced, in the name of the Sacred College, their unanimous election of him whom the Apostle and the multitude had thus simultaneously chosen. Crowned with the tiara, and arrayed in the gorgeous robes of a Pope-elect, Gregory the Seventh was then presented to the people. Their joyous exultation, and the pomp of the inaugural ceremonies, blended and contrasted strangely with the studied gloom and the melancholy dirge of the funeral rites.

That this electoral drama was a mere improvisation, may be credited by those before whose faith all the mountains of improbability give way. But thus to reach the summit of sacerdotal dominion as if by constraint; and thus, without forfeiting the praise of severe sanctity, to obtain the highest of this world's dignities; and thus to anticipate and defeat the too probable resistance of the Imperial Court; and thus to afford the Cardinals the opportunity and the excuse for the prompt exercise of their yet precarious electoral privilege—was a combination and a coincidence of felicities such as fortune, unaided by policy, seldom, if ever, bestows even on her choicest favourites. He who had nominated five Popes, was, assuredly, no passive instrument in his own nomination. His letters, written on the occasion, would alone be sufficient to prove, if proof were wanting, that a career thus far guided by the most profound sagacity, was not abandoned at its crisis to the caprice of a dissolute multitude. To several of his correspondents he addressed pathetic descriptions of his alarm and sorrow, but with an uniformity of terms so remarkable as to suggest the belief, that the elegiac strain was repeated as often as necessary by his secretaries, with such variations as their taste suggested. To the Emperor he breathed nothing but submission and humility. The most unimpeachable decorum presided over the whole ceremonial that followed. Envoys passed and repassed. Men of grave aspect instituted tedious enquiries. Solemn notaries attested prolix reports; and in due time the world was informed, that of his grace and clemency Henry, King of Germany and Italy, calling himself Emperor, had ratified the election of his dearly-beloved father, Gregory the Seventh; the world, meanwhile, well knowing that despite the Emperor's hostility, the Pope was able and resolved to maintain his own; and that, if his power had seconded his will, the Emperor would have driven the Pope from Rome, as the most dangerous of rebels and the most subtle of usurpers.

But Henry was ill prepared for such an effort. During the first six years of his reign, the affairs of his vast hereditary empire had been conducted by his widowed mother. She was

formed to love, to reverence, and to obey. In an age less rude, or in a station less exalted, her much long-suffering, her self-sustaining dignity, and the tenderness of her gentle spirit, might have enabled her even to win obedience. But her mind was ductile, her conscience enfeebled by a morbid sensibility, and her character formed by nature and by habit for subservience to any form of superstitious terror. She was surrounded by rapacious nobles whom no sacrifices could conciliate, and by lordly churchmen, who at once exacted and betrayed her confidence. Though severely virtuous, she was assailed by shameless calumnies. Her female rule was resented by the pride of Teutonic chivalry, and fraud and violence combined to inflict the deepest wound on her rights as a sovereign, and her feelings as a mother.

At Kaiserworth, on the Rhine, Agnes and her son, then in his thirteenth year, were reposing from the fatigues of an imperial progress. A galley, impelled by long lines of oars, and embellished with every ornament which art and luxury could command, appeared on the broad stream before them. Attended by a train of lords and servitors, Anno, the Archbishop of Cologne, descended from the gallant barge, and pressed the royal youth to inspect so superb a specimen of aquatic architecture and episcopal magnificence. Henry gladly complied, and, as the rowers bent to their oars, he enjoyed with boyish delight the rapidity with which one object after another receded from his view, till, turning to the companions of what had hitherto seemed a mere holiday voyage, he read in the anxious countenances of the commanders, and the vehement efforts of the boatmen, that he was a prisoner, and more than ever an orphan. With characteristic decision, he at once plunged into the water, and endeavoured to swim to shore; but the toils were upon him. A confederacy, formed by the Archbishops of Cologne and Mentz, and supported by the Dukes of Bavaria and Tuscany, consigned their young Sovereign to a captivity at once sumptuous and debilitating. They usurped the powers, and plundered the treasures of the crown. They bestowed on themselves and their adherents forests, manors, abbeys, and lordships. But to the future ruler of so many nations, they denied the discipline befitting his age, and the instruction due to his high prospects. They encouraged him, and with fatal success, to enervate by ceaseless amusement, and to debase by precocious debauchery, a mind naturally brave and generous. Anno has been canonized by the see of Rome. By the same ghostly tribunal, the Monarch whom he kidnapped, betrayed, and corrupted, was excluded from the communion of the Church when living, and from her consecrated soil when

dead. Impartial history will reverse either sentence, and will reserve her anathemas rather for St Anno, by whom the princely boy was exposed to the furnace of temptation, than for him in whose young mind the seeds of vice, so unsparingly sown, sprung up with such deadly luxuriance.

The heart of youth was never won by habitual indulgence. As Henry advanced towards manhood, the Archbishops of Cologne and Mentz discovered that they were the objects of his settled antipathy, and that they had to dread the full weight of a resentment at once just, vindictive, and unscrupulous. To avert that danger they transferred the charge of the royal youth to Adalbert, Archbishop of Bremen, rightly judging that his skill in courtly arts (for he had lived on affectionate terms with the deceased Emperor) might enable him to win his pupil's regard, but erroneously believing that his ecclesiastical zeal (for it seemed the master-passion of his soul) would induce him to employ that advantage in the defence and service of the hierarchy.

Adalbert, whose life is written in the Church History of Adam of Bremen, was a man whose character was so strangely composite, and whose purposes were so immutably single, that he might have suggested portraits to Scott, epigrams to Young, antitheses to Pope, an analysis to Dryden, or to Shakspeare himself some rich and all-reconciling harmony. According to the aspect in which he was viewed, he might with equal justice be regarded as a saint or a man of pleasure, as a scholar or a courtier, as a politician or a wit. Now washing the feet of beggars, eloquently expounding Christian truth, or indignantly denouncing the sins of the rich and the great, the shifting scene exhibited him amidst a throng of actors, jugglers, and buffoons, or as the soul and centre of a society where lords and ambassadors, prelates and priests of low degree, met to enjoy his good cheer, to partake of his merriment, and to endure his relentless sarcasms. At the very moment when, with irresistible address, he was insinuating himself into the favour of some potent Count or Bishop, the approach of another dignitary would rouse him to bitter and unmeasured invective. From the laughing playfellow of his companions he would pass at once into their fierce assailant, and then atone for the extravagance of his passion by a bounty not less extravagant. But whether he preached or gave alms, whether philosophy, or fun, or satire, was his passing whim, he still enjoyed one luxury which habit had rendered indispensable. Parasites were ever at hand to confirm his own conviction, that Adalbert of Bremen was an universal genius, and that, under his fostering care, the see of Bremen was destined to become the northern capital of the universal Church.

Nor was it strange that he believed them. Of the countless victims of self-idolatry, few have had so many seductions to that intoxicating worship. A military as well as an ecclesiastical prince, he witnessed the extension of his Archiepiscopal dominion far along the shores of the Elbe and the Baltic. Kings solicited his personal friendship. Sweden and the Empire accepted him as the mediator of peace. Envoys from every state in Europe, not excepting Constantinople, thronged his palace. He was at once the confidential adviser of the Pope and the chief minister of the Emperor, and even boasted (with whatever truth) that he had declined the Papacy itself. But this earlier Wolsey, like his great antitype, longed for some imperishable monument of his glory. Bremen was the Ipswich of Adalbert; the site selected, but in vain, for perpetuating to the remotest ages the memory of an ambition less ennobled by the greatness of its aims, than debased by an insatiable vanity. To aggrandize his diocess, he builded and fortified, negotiated and intrigued, became by turns a suitor and an oppressor, conciliated attachments and braved enmities, and lived and died the imaginary patriarch of the imaginary patriarchate of the German and Scandinavian nations.

Brightly dawned on the young Henry the day which transferred the change of his person and of his education from the austere Anno to the princely Adalbert. The Archbishop of Cologne had rebuked the vices he indulged. The conscience of the Archbishop of Bremen demanded no such soothing compromise. He fairly threw the reins on the neck of his royal charge, who invoked the aid of young and profligate companions to use or to abuse this welcome indulgence. His tutors had sown the wind: his people were now to reap the whirlwind. Of the domestic life of the young Emperor, the dark tale recorded by the chroniclers of his age would not be endured by the delicacy of our own. His public acts might seem to have been prompted by the determination to exasperate to madness the national pride, the moral sense, and the religious feelings of his subjects. Yet even when thus provoked, their resentment slumbered. A popular address, a noble presence, and the indulgence so liberally yielded to the excesses of the great, the prosperous, and the young, gave scope for the full expansion of his crimes and follies. At the Lateran the influence of his personal qualities was unfelt. Roused to a just indignation by the frequent intelligence of a life so debauched, and of a reign so impious, Alexander cited the Emperor to appear at Rome, there to answer in person to the apostolic throne for the simony and the other offences imputed to him. The voice was Alexander's voice, but the hand was the hand of Gregory.

Between the day on which Hildebrand conducted Leo the Ninth into Rome as a simple pilgrim, to the time of his own tumultuary election, the quarter of a century had intervened. During the whole of that period he had been the confidential minister and guide of the Papacy. In each of the five pontificates which he had nominally served and really governed, the Holy See had pursued the same aggressive policy with a steadfastness indicating the guidance of one far-seeing mind gifted with patience to await, with promptitude to discern, and with courage to seize the moments of successful advance. When, therefore, the citation of Henry was issued in the name of the dying Pope. none doubted that this audacious act, then without a parallel in history, had been dictated by the same stern and unrelenting councillor. When tidings reached the Imperial Court that the voice of the people and the votes of the cardinals had placed in Gregory's hands the mysterious keys and the sharp sword of Peter, none doubted the near approach of the conflict which was to assign the supreme dominion over the Christian world, either to the German sceptre, or to the Roman crosier. That, after ages of war and controversy, they should peacefully exercise a concurrent yet divided rule, would have seemed an idle dream to a generation whose feudal theory of government had for its basis the principle of various gradations of dependency on some one common head, or suzerain.

With a life unstained by any sensual or malignant crime, (a praise of which his contemporary and rancorous biographer, Cardinal Benno, is the reluctant and unconscious witness,) and self-acquitted of any selfish ends, (for except as the champion of the Church he neither obtained nor sought any personal aggrandizement,) Pope Hildebrand surrendered himself freely to the current of those awful thoughts which have peopled the brain of each of the successors of Peter in his turn, the basest and the most impure scarcely excepted. A mystery to himself, he had become the supreme Vicar of Christ on earth; the predestined heir of a throne among those saints who should one day judge the world; the mortal head of an immortal dynasty; the depository of power delegated yet divine; the viceroy to whom had been entrusted by God himself the care of interests, and the dispensation of blessings and of curses, which reduced to inappreciable vanities all the good and evil of this transitory world. Resolute as he was, he appears to have trembled at the contrast between the weakness of his human nature and the weight of these majestic responsibilities. With the Abbots of Clugni and of Monte Cassino he maintained a relation, as much resembling friendship as was compatible with the austerity of his nature and his habits; and to

them he depicted the secret tumults of his mind, in terms of which it would be impossible to deny either the sincerity or the eloquence.

Before his prophetic eye arose a vast theocratic state, in which political and religious society were to be harmonized, or absorbed into each other. At the head of this all-embracing polity, the Bishop of Rome was to assert his legitimate authority over all the kings and rulers of the earth. In immediate dependence on him was to be ranged the circle of his liege spiritual lords—some residing at the seat of empire as electors, councillors, and ministers to the supreme potentate; others presiding over the fraternities, the provinces, and the sees of which his empire was composed. At the capital of this hierarchal state were to be exercised the various powers of government—legislative, administrative, and judicial. There also were to be held the occasional meetings of the extraordinary or ecumenical legislature. To the infallible sovereign of this new Jerusalem were to be assigned prerogatives limited only by his own conscience, and restrained by no power but that of God himself. To the Emperor, the Kings, the Dukes, and Counts, his feudatories, was to be entrusted a ministry subordinate and auxiliary to his. They were to maintain order, to command armies, to collect revenues, to dispense justice. But they were to hold their crowns or coronets at the pleasure of the Autocrat; to justify to him the use of their inferior authority, and to employ it in support of that power, which, derived from heaven itself, could acknowledge no superior, equal, or competitor on earth. But woe—such woe as vengeance, almighty and unrelenting, could inflict—on him who should impiously wield the pontifical sceptre, in the name of Christ, in any spirit, or for any ends, not in accordance with these awful purposes which once made Christ himself a sojourner among men! Heathen Rome had been raised up to conquer and to civilize. To Christian Rome was appointed a far loftier destiny. It was hers to mediate between hostile nations, to reconcile sovereigns and their people —to superintend the policy, restrain the ambition, redress the injustice, and punish the crimes of princes—to render the Apostolic Throne the source and centre of an holy influence, which, diffused through every member of the social body, should inform, and animate, and amalgamate the whole, and realize the inspired delineation of that yet unborn age, when the lion and the lamb should lie down together, with a little child their leader.

Sublime as were the visions which thus thronged on the soul of Gregory the Seventh, and which still shed a glowing light over his three hundred and fifty extant letters, life was never, for a single

day, a state of mere visionary existence to him. Before him lay the impending struggle with Henry, with Honorius, with the ecclesiastics of Lombardy, with the German people, whose loyalty had so long survived the sorest provocation, and with many even of the German prelates, who ascribed to the successor of Charlemagne and of Otho the same rights which these great monarchs had exercised over the Pontiffs of an earlier generation. Nor was he unconscious that the way for his theocracy must be paved by reforms, so searching as to convert into inexorable antagonists many of those on whose attachment to his person and his laws he might otherwise have most implicitly relied.

Yet it was with no faint auguries of success that he girded himself for the battle. His Norman feudatories to the south, his Tuscan alliance to the north, promised security to the papal city. Disaffection was widely spread among the commonalty of the Empire. The Saxons were on the verge of revolt. The Dukes of Swabia, Carinthia, and Bavaria, were brooding over insufferable wrongs. From the young and debauched Emperor, it seemed idle to dread any resolved or formidable hostility. From the other powers of Europe, Henry could expect no succour. From every region of Christendom a voice, addressed and audible to the supreme Pontiff, invoked a remedy for the traffic in holy things, and for the fearful pollutions beneath which the Church was groaning; and that heavenly voice promised to him, when he should have strangled those monsters of iniquity, every honour which man could confer, and every benediction which God bestows on his most favoured servants. He heard, and he obeyed it.

From the most remote Christian antiquity, the marriage of clergymen had been regarded with the dislike, and their celibacy rewarded by the commendation, of the people. Among the ecclesiastical heroes of the four first centuries, it is scarcely possible to point to one who was not, in this respect, an imitator of Paul rather than of Peter. Among the ecclesiastical writers of those times, it is scarcely possible to refer to one by whom the superior sanctity of the unmarried to the conjugal state is not either directly inculcated or tacitly assumed. This prevailing sentiment had ripened into a customary law, and the observance of that custom had been enforced by edicts and menaces, by rewards and penalties. But nature had triumphed over tradition, and had proved too strong for Councils and for Popes.

When Hildebrand ascended the chair first occupied by a married Apostle, his spirit burned within him to see that marriage held in her impure and unhallowed bonds a large proportion of

those who ministered at the altar, and who handled there the very substance of the incarnate Deity. It was a profanation well adapted to arouse the jealousy, not less than to wound the conscience, of the Pontiff. Secular cares suited ill with the stern duties of a theocratic ministry. Domestic affections would choke or enervate in them that corporate passion which might otherwise be directed with unmitigated ardour towards their chief and centre. Clerical celibacy would exhibit to those who trod the outer courts of the great Christian temple, the impressive and subjugating image of a transcendental perfection, too pure not only for the coarser delights of sense, but even for the alloy of conjugal or parental love. It would fill the world with adherents of Rome, in whom every feeling would be quenched which could rival that sacred allegiance. From every monastery might be summoned a phalanx of allies to overpower the more numerous, but dispersed and feeble antagonists of such an innovation. In every mitred churchman it would find an active partisan. The people, ever rigid in exacting eminent virtue from their teachers, would be rude but effective zealots of a ghostly discipline from which they were themselves to be exempt.

With such anticipations, Gregory, within a few weeks from his accession, convened a council at the Lateran, and proposed a law, not, as formerly, forbidding merely the marriage of priests, but commanding every priest to put away his wife, and requiring all laymen to abstain from any sacred office which any wedded priest might presume to celebrate. Never was legislative foresight so verified by the result. What the great Council of Nicæa had attempted in vain, the Bishops assembled in the presence of Hildebrand accomplished, at his instance, at once, effectually, and for ever. Lamentable indeed were the complaints, bitter the reproaches, of the sufferers. Were the most sacred ties thus to be torn asunder at the ruthless bidding of an Italian priest? Were men to become angels, or were angels to be brought down from heaven to minister among men? Eloquence was never more pathetic, more just, or more unavailing. Prelate after prelate silenced these complaints by austere rebukes. Legate after legate arrived with papal menaces to the remonstrants. Monks and abbots preached the continency they at least professed. Kings and barons laughed over their cups at many a merry tale of compulsory divorce. Mobs pelted, hooted, and besmeared with profane and filthy baptisms the unhappy victims of pontifical rigour. It was a struggle not to be prolonged—broken hearts pined and died away in silence. Expostulations subsided into murmurs, and murmurs were drowned in the general shout of victory. Eight hundred years have since passed away. Amidst the wreck of laws,

opinions, and institutions, this decree of Hildebrand's still rules the Latin Church, in every land where sacrifices are offered on her altars. Among us, but not of us,—valuing their rights as citizens, chiefly as instrumental to their powers as churchmen—ministers of love, to whom the heart of a husband and a father is an inscrutable mystery—teachers of duties, the most sacred of which they may not practise—compelled daily to gaze on the most polluted imagery of man's fallen heart, but denied the refuge of nature from a polluted imagination—professors of virtue, of which, from the death of the righteous Abel down to the birth of the fervent Peter, no solitary example is recorded in Holy Writ —excluded from that posthumous life in remote descendants, the devout anticipation of which enabled the patriarchs to walk meekly, but exultingly with their God—the sacerdotal caste still flourishes in every Christian land, the imperishable and gloomy monument of that far-sighted genius which thus devised the means of papal despotism, and of that short-sighted wisdom which proposed to itself that despotism as a legitimate and laudable end.

With this Spartan rigour towards his adherents, Gregory combined a more than Athenian address and audacity towards his rivals and antagonists. So long as the monarchs of the West might freely bestow on the objects of their choice the sees and abbeys of their states, papal dominion could be but a passing dream, and papal independency an empty boast. Corrupt motives usually determined that choice; and the objects of it were but seldom worthy. Ecclesiastical dignities were often sold to the highest bidder, and then the purchaser indemnified himself by a use no less mercenary of his own patronage; or they were given as a reward to some martial retainer, and the new churchman could not forget that he had once been a soldier. The cope and the coat-of-mail were worn alternately. The same hand bore the crucifix in the holy festival, and the sword in the day of battle. Episcopal warriors and abbatial courtiers thus learned to regard themselves rather as feudatories holding of their temporal lord, than as liegemen owing obedience to their spiritual chief. In the hands of the newly consecrated Bishop was placed a staff, and on his finger a ring, which, received as they were from his temporal sovereign, proclaimed that homage and fealty were due to him alone. And thus the sacerdotal Proconsuls of Rome became, in sentiment at least, and by the powerful obligation of honour, the vicegerents, not of the Pontifex Maximus, but of the Imperator.

To dissolve this *trinoda necessitas* of simoniacal preferments, military service, and feudal vassalage, a feebler spirit would have

exhorted, negotiated, and compromised. To Gregory it belonged to subdue men by courage, and to rule them by reverence. Addressing the world in the language of his generation, he proclaimed to every potentate, from the Baltic to the Straits of Calpé, that all human authority being holden of the divine, and God himself having delegated his own sovereignty over men to the Prince of the Sacred College, a divine right to universal obedience was the inalienable attribute of the Roman Pontiffs, of whom, as the supreme earthly suzerain, emperors and kings held their crowns, patriarchs and bishops their mitres, and held them not mediately through each other, but immediately as tenants *in capite* from the one legitimate representative of the great Apostle.

In turning over the collection of the epistles of Hildebrand, we are every where met by this doctrine asserted in a tone of the calmest dignity and the most serene conviction. Thus he informs the French monarch that every house in his kingdom owed to Peter, as their father and pastor, an annual tribute of a penny, and he commands his legates to collect it in token of the subjection of France to the Holy See. He assures Solomon the King of Hungary, that his territories are the property of the Holy Roman Church. Solomon being incredulous and refractory, was dethroned by his competitor for the Hungarian crown. His more prudent successor, Ladislaus, acknowledged himself the vassal of the Pope, and paid him tribute. To Corsica a legate is sent to govern the demesnes of the Papacy in the island, and to recover the rest of it from the Saracens. To the Sardinians an account is dispatched of her title to their obedience, with menaces of a Norman invasion if it should be withheld. On Demetrius, Duke of Dalmatia, we find him conferring the kingly title, reserving a yearly payment of two hundred pieces of silver 'to the holy Pope Gregory, and his successors lawfully elected, 'as supreme lords of the Dalmatian kingdom.' Among the visitors of Rome was a youth described in one of these epistles as son of the King of Russia. The letter informs the sovereign so designated, that, at the request of the young Prince, the Pontiff had administered to him the oath of fealty to St Peter and his successors, not doubting that 'it would be approved by 'the king and all the lords of his kingdom, since the Apostle 'would henceforth regard their country as his own, and defend it 'accordingly.' From Sweno the Dane he exacted a promise of subjection. From the recently converted Polanders he demanded, and received, as sovereign lord of the country, an annual tribute of an hundred marks in silver. From every part of the European continent, Bishops are summoned by these imperial missives to Rome, and there are either condemned and deposed,

or absolved and confirmed in their sees. In France, in Spain, and in Germany, we find his legates exercising the same power; and the correspondence records many a stern rebuke, sometimes for their undue remissness, sometimes for their misapplied severity. The rescripts of Trajan scarcely exhibit a firmer assurance both of the right and the power to control every other authority, whether secular or sacerdotal, throughout the civilized world.

There was, however, one memorable exception. Robert the Norman conqueror of Sicily, and William the Norman conqueror of England, steeped in blood and sacrilege, were the most shameless and cruel of usurpers. The groans and curses of the oppressed cried aloud for vengeance against them. But the apostolic indignation, though roused by the active vices of the Emperor, and the apathetic depravity of Philip of France, had for these tyrants no menaces of ghostly wrath, no exhortations to repentance. Robert was embraced and honoured as the faithful ally of Rome. William was addressed in the blandest accents of esteem and tenderness. 'You exhibit towards us' (such is the style) 'the attachment of a dutiful son, yea, of a son whose 'heart is moved by the love of his mother. Therefore, my be-'loved son, let your conduct be all that your language has been. 'Let what you have promised be effectually performed.' The injunction was not disobeyed, for even of promises the grim conqueror of the north had been sufficiently parsimonious. As Duke of Normandy he remitted to the Pope the amount of certain dues. As King of England he indignantly refused the required oath of fealty. 'I hold my kingdom of God and of my sword,' was his stern and decisive answer. Something the papal legate dared to mutter of the worthlessness of gold without obedience; but the gold was accepted and the disobedience endured. These were not the days of John, surnamed Lackland; and for Innocent the Third was reserved by his great predecessor the glory of receiving, from an English sovereign on his bended knee, the crown which, on the head of William, challenged equal honours with the papal tiara. For concessions favourable to his hopes of unlimited dominion, the Pontiff turned to a sovereign whose crimes no triumphs had sanctified, and no heroism redeemed.

Alexander's citation had been despised by Henry, and was not revived by Hildebrand Every post from Germany brought fresh proof that, without the use of weapons so hazardous, the Emperor must, erelong, be reduced to solicit the aid of Rome on such terms as Rome might see fit to dictate. Dark as were the middle ages, the German court had light enough (if we may credit the chroniclers) to anticipate our own enlightened Irish policy. The ancient chiefs of Saxony were imprisoned; their

estates confiscated, and granted to absent lords and prelates. Tithe proctors hovered like birds of prey over the Saxon fields. A project was formed for driving the ancient inhabitants into a Saxon pale, and for converting the land into a great Swabian colony. Castles frowned on every height. Their garrisons pillaged and enslaved the helpless people. Alliances were formed with the Bavarian and the Dane to crush a race hated for their former pre-eminence, and despised for their recent sufferings. Nothing was wanting to complete the parallel but discord and dejection amongst the intended victims.

Groaning under the oppressions, and penetrating the designs of their sovereign, the Saxons solicited for their leaders an audience at Goslar. The appointed day arrived. The deputies presented themselves at the palace. Henry was engaged at a game of hazard, and bade them wait till he had played it out. A stern and indignant demand for justice repelled the insult. A second time, in all the insolence of youth, Henry returned a contemptuous answer. In a few hours he found himself blockaded at his castle of Hartzburg by a vast assemblage of armed men, under the command of Otho of Nordhim, the Tell or Hofer of his native land.

Escaping with difficulty, the Emperor traversed Western Germany to collect forces for crushing the Saxon insurgents. But the spell of his Imperial name and of his noble presence were broken. The crimes of a defeated fugitive were unpardonable. His allies made common cause with the Saxons, whom they had so lately leagued to destroy. Long repressed resentment burst out in the grossest indignities against the recreant sovereign. Unworthy to wear his spurs or his crown, (so ran the popular arraignment,) he descended at a step from the summit of human greatness almost to the condition of an outcast from human society. A Diet had been summoned for his deposition. His sceptre had been offered to Rudolf of Swabia. A few days more, and his crown, if not his life, had been forfeited, when an opportune illness and a rumour of his death awakened the dormant feelings of reverence and compassion. Haggard from disease, abject in appearance, destitute, deserted, and unhappy, he presented himself to the citizens of Worms. The ebbing tide of loyalty rushed violently back into its wonted channels. Shouts of welcome ran along the walls. Every house-top rang with acclamations. Women wept over his wrongs. Men-at-arms devoted their lives, rich burghers their purses, to his cause. The Diet was dissolved, Rudolf fled, and it remained for Henry to practise, on his recovered throne, the lessons he had learned in the school of adversity.

Those lessons had been unfolded and enforced by the parental admonitions of Gregory. The royal penitent answered by promises of amendment, 'full' (as the Pope declared) 'of sweetness and of duty.' Nor was this a mere lip homage. To prove his sincerity, he abandoned to the Pope the government of the great see and city of Milan, the strongest hold of the Imperialists in Italy. A single desire engrossed the heart of Henry. No sacrifice seemed too costly which might enable him to inflict an overwhelming vengeance on the Saxon people; no price excessive by which he could purchase the aid, or at least the neutrality, of Hildebrand in the impending struggle. The concessions were accepted by the Pope, the motive understood, and the equivalent rendered. With gracious words to the Emperor and to Rudolf, with pacific councils and vague promises to the Saxons, the Pope retired from all further intervention in a strife of which it remained for him to watch the issue and to reap the advantage.

It was in the depth of a severe winter that Henry, hoping to surprise the insurgents, marched from Worms at the head of forces furnished by the wealth and zeal of that faithful city. Drifts of snow obstructed his advance. The frozen streams could no longer turn the mills on which he depended for subsistence. Meteors blazed in the skies, and the dispirited soldiers trembled at such accumulated omens of disaster. In that anxious host, one bosom only was heedless of danger, and unconscious of suffering. He, who had hitherto been known only as a profligate and luxurious youth, now urged on his followers through cold, disease, and famine, to the Saxon frontier. But there Otho awaited him at the head of a large and well-disciplined army. The Imperialists declined the unequal encounter. Again Henry was reduced to capitulate. Humbled a second time before his subjects, he bound himself to dismantle his fortresses, to withdraw his garrisons, to restore the confiscated fiefs, to confirm their ancient Saxon privileges, and to grant an amnesty unlimited and universal.

The treaty of Gerstungen (so it was called) was dictated by animosity and distrust, and was carried into execution by the conquerors in the spirit of vindictive triumph. They expelled from his residence at Goslar their dejected king and his household, and destroyed the town of Hartzburg with its royal sepulchre, where lay the bones of his infant son, and of others of his nearest kindred. The graves were broken open, and their ghastly contents exposed to shameful and inhuman contumelies—a wild revenge, and a too plausible pretext for a fearful and not distant retribution.

Henry returned to his Rhenish provinces to meditate vengeance.

Reckless of any remoter danger in which the indulgence of that fierce passion might involve him, he invoked the arbitrement of Hildebrand, and called on him to excommunicate the sacrilegious race who had burned the church and desecrated the sepulchres of his forefathers. Gregory watched the gathering tempest of civil war, received the appeals of the contending parties, and answered both by renewed injunctions of obedience to himself. To the Saxons he sent homilies, to the Emperor an embassy, graced by the name and the presence of his mother, Agnes. She bore a papal mandate to her son to enforce the celibacy of the clergy, and to restore to its lawful channels the patronage of the Church. Henry promised obedience. The legates then convoked a national Synod, to be held in Germany under their own presidency. To this encroachment also, Henry submitted. A remonstrance against it from the Archbishop of Bremen was answered by a legantine sentence suspending him from his see. Still the Emperor was passive. Another sentence of the papal ambassadors exiled from the court and presence of Henry, five of his councillors whom Alexander had excommunicated. No signal of resistance was given by their insulted sovereign. Edicts for the government of the Teutonic Church were promulgated without the usual courtesy of asking his concurrence. They provoked from him no show of resentment. Their work accomplished, the legates then returned to Rome, the messengers of successes more important than any former Pope had ventured to contemplate over the authority of the Cæsar. Applause, honours, preferments rewarded her associates; while to Agnes herself were given assurances of celestial joy, and of a distinguished place among the choristers of heaven.

Her less aspiring son fed his mind with hopes of vengeance, rendered as he thought more sure by all his concessions to the Roman Pontiff. Twice, indeed, he had recoiled ignominiously from the Saxon frontier. But from defeat itself he might draw the means of victory. By the great feudatories of the Empire, the spectacle of armed peasants and wealthy burghers imposing terms of peace on the successor of Charlemagne, had been regarded with proud scorn and indignation. They resented the rising fame and influence of Otho. He and his followers might become strong enough to resume by arms the estates they had lost by confiscation. Rumours were already rife of such designs. To fan these flames, and deepen these alarms, to excite among restless chiefs and predatory bands the appetite for war and plunder, became the easy and successful labour of the impatient Emperor. At Henry's summons, the whole strength of

Germany collected on the Elbe to crush in his quarrel the power they had so lately aided to depose him. There were to be seen the crucifix of the Abbot of Fulda, and there the sacred banner of the Archbishop of Mentz. There Guelph, the Bavarian, raised his ducal standard to reconquer the broad lands restored to their former owners by the treaty of Gerstungen. There, surrounded by the chivalry of Lorraine, and restored by the Emperor to that forfeited principality, Godfrey repaid the boon by the desertion of the alliance, conjugal as well as political, which bound him to the House of Tuscany. There appeared the King of Hungary, lured by the hope of new provinces to be assigned to him on the dismemberment of Saxony. And there, in the centre of countless pennons, came Rudolf, to prove his loyalty to the prince whose throne he had so recently endeavoured to usurp.

The tide of war rolled on towards the devoted land. It had been saved, if penitence, humility, and prayer were of the same power in the courts of earth as in those of heaven. It had been saved, if courage gathered from despair, and guided by patriotism, could have availed against such a confederacy of numbers and of discipline. But prayer was vain, and patriotism impotent. A long summer's day had reached its close, when, under the command of their great leader Otho, the Saxon lines approached the Unstrut. On the opposite banks of that stream the Imperialists had already encamped. Neither army was aware of the vicinity of the other, and Henry had retired to rest, when Rudolf roused him with the intelligence that the insurgent forces were at hand, unarmed, and heedless of their danger, the ready prey of a sudden and immediate attack. The Emperor threw himself in a transport of gratitude at the feet of his adviser, and leaping on his horse, led forward his forces to the promised victory.

In this strange world of ours, tragedies, of which the dire plot and dark catastrophe might seem to be borrowed from hell, are not seldom depicted by historical dramatists, in colours clear and brilliant as those which may be imagined to repose over Paradise. One of the mitred combatants has sung, and Lambert, the chronicler of Aschafnaburg, has narrated, the battle of the Unstrut. The Bishop's hexameters have all the charm which usually belongs to episcopal charges. But Lambert is among the most graphic and animated of historians. His picture of the field glows with his own military ardour, and is thronged with incidents and with figures which might well be transferred to the real canvass. Among them we distinguish the ill-arranged Saxon lines broken, flying, and again forming at

the voice of Otho as it rises above the tumult, and then rushing after him with naked swords, and naked bosoms, on the main battle of the triumphant invaders. And still the eye follows Otho wherever there are fainting hearts to rally, or a fierce onslaught to repel;—and we seem almost to hear the shrill Swabian war-cry from the van of the Imperial host, where by a proud hereditary right they had claimed to stand;—and Rudolf their leader, the very minister of death, is ever in the midst of the carnage, himself, as if in covenant with the grave, unharmed;—and in the agony and crisis of the strife, Henry the idol, to whom this bloody sacrifice is offered, is seen in Lambert's battle-piece, leaping at the head of his reserve on his exhausted enemies, sweeping whole ranks into confused masses, and amidst shrieks, and groans, and fruitless prayers, and fruitless curses, immolating them to his insatiable revenge.

The sun went down on that Aceldama amidst the exultations of the victorious allies. It rose on them the following morning agitated by grief, by discord, and by disaffection. Many nobles who had fought the day before under the Imperial banner, were stretched on the field of battle. The enthusiasm of the Saxons had proved at how fearful a price, if at all, the selfish ends of the confederacy must be attained. They mourned the extinction of one of the eyes of Germany. Silently but rapidly the armament dissolved. Godfrey alone remained to prosecute the war. With his aid it was brought to a successful issue. A capitulation placed Otho and the other leaders in the Emperor's power. With their persons secured, their estates forfeited, and their resources destroyed, he returned to join with the loyal citizens of Worms in chanting the 'Te Deum laudamus.' The same sacred strain had but a few days before celebrated at Rome a still more important and enduring victory.

Gregory had rightly judged, that while the rival princes were immersed in civil war, he might securely convene the princes of the Church to give effect to designs of far deeper significance. The long aisles of the Lateran were crowded with grave Canonists and mitred Abbots, with Bishops and Cardinals, with the high functionaries, and the humble apparitors of the Papal State. Proudly eminent above them all, sat the Vicar and Vicegerent of the King of Kings. Masses were sung, and homilies were delivered, and rites were performed, of which the origin might be traced back to the worship of the Capitoline Jove; and then was enacted by the ecclesiastical Senate, a law, not unlike the most arrogant of those which eleven centuries before had been promulgated in the Capitol. It forbade the kings and rulers of the earth to exercise their ancient right of investiture of any spiritual dignitary, and transferred to the Pope alone a patronage and an influence more

than sufficient to balance within their own dominions all the powers of all the monarchs of Christendom. In the darkest hours of Imperial despotism, the successors of Julius had never enjoyed or demanded an authority so wide or so absolute. Even the daring spirit by which it had been dictated, drew back from the immediate publication of such a decree. The Pope intimated to the German court and prelates the other acts of the council, but passed over in silence the great edict for which they had been assembled, and by which they were to be immortalized. It reposed in the Papal Chancery as an authority to be invoked at a more convenient season, and in the mean time as a text for the devout to revere, and for the learned to interpret. To Hildebrand it belonged neither to expound nor to threaten, but to act.

The Bishop of Lucca was dead: the Pope nominated his successor. The Bishop of Bamberg was accused of simony: the Pope suspended him. The Archbishop of Bremen still denied the right of Papal legates to preside in a German synod: the Pope deprived him of his see and of the holy sacraments. The Bishops of Pavia, Turin, and Placentia adhered to Honorius: the Pope deposed them. Henry's five exiled councillors gave no signs of repentance: the Pope again excommunicated them. The Normans invaded the Roman territory: the Pope assailed them by a solemn anathema. Philip of France continued to indulge himself, and to pillage every one else: the Pope upbraided and menaced him. Thus with maledictions, sometimes as deadly as the Pomptine miasma, sometimes as innocuous as the Mediterranean breeze, he waged war with his antagonists, and exercised in reality the powers which he yet hesitated to assert in words.

To the conqueror of Saxony these encroachments and anathemas of the Pontiff appeared more offensive than formidable. He retaliated rather by scorn than by active hostility. He heaped favours on his own excommunicated councillors—sent one of his chaplains to ascend the vacant throne—nominated an obscure and scandalous member of his own household for the princely mitre of Cologne, and forbade his Saxon subjects to appeal to Rome even in cases exclusively ecclesiastical. To Henry, the Pontiff seemed an angry, arrogant, vituperative, old man, best to be encountered by contempt. To Gregory, the Emperor appeared as the feeble and unconscious agent in a providential scheme for subjecting the secular to the spiritual dynasty. To such as could read the signs of the times, it was evident that, on either side, this contempt was misplaced, and that a long and sanguinary conflict drew near, by which the future destinies of the world would be determined.

Events hurried rapidly onward to that crisis. Complaints were preferred to the Holy See of crimes committed by Henry against the Saxon Church which cried for vengeance, and of vices practised by him in private, which rendered him unfit for communion with his fellow Christians. Gregory cited the Emperor to appear before him to answer these charges. The Emperor, if we may believe the papal historians, answered by an attempt to assassinate the author of so presumptuous a citation.

On Christmas eve, in the year 1075, the city of Rome was visited by a dreadful tempest. Not even the full moon of Italy could penetrate the dense mass of superincumbent clouds. Darkness brooded over the land, and the trembling spectators believed that the day of final judgment was about to dawn. In this war of the elements, however, two processions were seen advancing to the Church of Santa Maria Maggiore. At the head of one was the aged Hildebrand, conducting a few priests to worship at the shrine of the Virgo Deipara. The other was preceded by Cencius, a Roman noble. His followers were armed as for some desperate enterprise. At each pause in the roar of the tempest might be heard the hallelujahs of the worshippers, or the voice of the Pontiff pouring out benedictions on the little flock which knelt before him—when the arm of Cencius grasped his person, and the sword of some yet more daring ruffian inflicted a wound on his forehead. Bound with cords, stripped of his sacred vestments, beaten, and subjected to the basest indignities, the venerable minister of Christ was carried to a fortified mansion within the walls of the city, again to be removed at daybreak to exile or to death. Women were there with women's sympathy and kindly offices, but they were rudely put aside, and a drawn sword was already aimed at the Pontiff's bosom, when the cries of a fierce multitude threatening to burn or batter down the house, arrested the arm of the assassin. An arrow, discharged from below, reached, and slew him. The walls rocked beneath the strokes of the maddened populace, and Cencius, falling at the prisoner's feet, became himself a suppliant for pardon and for life.

In profound silence and undisturbed serenity, Hildebrand had thus far submitted to these atrocious indignities. The occasional raising of his eyes towards heaven alone indicated his consciousness of them. But to the supplication of his prostrate enemy he returned an instant and a calm assurance of forgiveness; he rescued Cencius from the exasperated besiegers, dismissed him in safety and in peace, and returned amidst the acclamations of the whole Roman people to complete the interrupted solemnities of Santa Maria Maggiore.

That Henry instigated this crime, is a charge of which no

proof is extant, and to which all probabilities are opposed. But it was current at the time; and the contest thenceforward assumed all the bitterness of personal animosity. To the charges of sacrilege, impurity, and assassination, preferred against the Emperor, his partisans answered by denouncing the Pope himself, at a Synod convened at Worms, as base-born, and as guilty of murder, simony, necromancy and devil worship, of habitual, though concealed, profligacy, and of an impious profanation of the Eucharist. Fortunately for the fame of Gregory, his enemies have written a book. Cardinal Benno, one of the most inveterate, has bequeathed to us a compendium of all those synodal invectives. The guilt of a base birth is established; for Hildebrand's father was a carpenter in the little Tuscan town of Saone. The other imputations are refuted by the evident malignity of the writer, and by the utter failure, or the wild extravagance, of his proofs.

Such, however, was not the judgment of the Synod of Worms. A debate, of two days' continuance, closed with an unanimous vote that Gregory the Seventh should be abjured and deposed. Henry first affixed his signature to the form of abjuration. Then each Archbishop, Bishop, and Abbot, rising in his turn, subscribed the same fatal scroll. Scarcely was the assembly dissolved, before Imperial messengers were on their way to secure the concurrence of other Churches, and the support of the temporal princes. On every side, but especially in Northern Italy, a fierce and sudden flame attested the long mouldering resentment of the priests whom the Pope had divorced from their wives; of the lords whose simoniacal traffic he had arrested; of the princes whose Norman invaders he had cherished; of ecclesiastics whom his haughty demeanour had incensed; of the licentious whom his discipline had revolted; and of the patriotic whom his ambition had alarmed. The abjuration of Worms was adopted with enthusiasm by another Synod at Placenza. Oaths of awful significance cemented the confederacy. Acts of desperate hostility bore witness to their determination to urge the quarrel to extremities. Not a day was to be lost in intimating to Gregory that the apostolic sceptre had fallen from his hands, and that the Christian Church was once more free.

It was now the second week in Lent, in the year 1076. From his throne, beneath the sculptured roof of the Vatican, Gregory, arrayed in the rich mantle, the pall, and the other mystic vestments of pontifical dominion, looked down the far-receding aisle of the sacred edifice on the long array of ecclesiastical Lords and Princes, before whom 'Henry King of Germany and Italy, calling himself Emperor,' had been summoned to appear, not as their sovereign to receive their homage, but as a culprit to await

their sentence. As he gazed on that new senate, asserting a jurisdiction so majestic—and listened to harmonies which might not unfitly have accompanied the worship of Eden—and joined in anthems which in far distant ages had been sung by blessed saints in their dark crypts, and by triumphant martyrs in their dying agonies—and inhaled the incense symbolical of the prayers offered by the Catholic Church to her eternal Head —what wonder, if, under the intoxicating influence of such a scene and of such an hour, the old man believed that he was himself the apostolic Rock on which her foundations were laid, and that his cause and person were sacred as the will, and invincible as the power, of heaven itself. The 'Veni Creator' was on the lips of the papal choir, when Roland, an envoy from the Synods of Worms and Placenza, presented himself before the assembled hierarchy of Rome. His demeanour was fierce, and his speech abrupt. 'The King and the united Bishops both 'of Germany and Italy,' (such was his apostrophe to the Pope,) 'transmit to thee this command:—Descend without delay from 'the throne of St Peter. Abandon the usurped government of 'the Roman Church. To such honours none must aspire with-'out the general choice and the sanction of the Emperor.' Then addressing the conclave—'To you, brethren,' he said, 'it is com-'manded, that at the feast of Pentecost ye present yourselves 'before the King my master, to receive a pope and father from his 'hands. This pretended pastor is a ravenous wolf.' A brief pause of mute astonishment gave way to shouts of fury. Swords were drawn, and the audacious herald was about to expiate his temerity with his blood. But Gregory descended from his throne, received from the hands of Roland the letters of the Synods, and resuming his seat, read them in a clear and deliberate voice to the indignant council. Again the sacred edifice rang with a tempest of passionate invective. Again swords were drawn on Roland, and again the storm was composed by the voice of the Pontiff. He spoke of prophecies fulfilled in the contumacy of the King and in the troubles of the faithful. He assured them, that victory would reward their zeal, or divine consolations soothe their defeat; but whether victory or defeat should be their doom, the time, he said, had come when the avenging sword must be drawn to smite the enemy of God and of his Church.

The speaker ceased, and turned for approbation, or at least for acquiescence, not to the enthusiastic throng of mitred or of armed adherents, but to one who, even in that eventful moment, divided with himself the gaze and the sympathy of that illustrious assemblage. For by his side, though in an inferior station, sat Agnes the Empress-mother, brought there to witness and to ratify the judgment to be pronounced on her only child, whom she had

borne amidst the proudest hopes, and trained for empire beneath the griefs and anxieties of widowhood. She bore, or strove to bear herself as a daughter of the Church, but could not forget that she was the mother of Henry, when, in all the impersonated majesty of that holy fellowship, Hildebrand, raising his eyes to heaven, with a voice echoing, amidst the breathless silence of the Synod, through the remotest arches of the lofty pile, invoked the holy Peter, prince of the apostles, to hear, and 'Mary 'the mother of God,' and the blessed Paul and all the saints to bear witness, while for the honour and defence of Christ's Church, in the name of the sacred Trinity, and by the power and authority of Peter, he interdicted to King Henry, son of Henry the Emperor, the government of the whole realm of Germany and Italy, absolved all Christians from their oaths and allegiance to him, and bound him with the bond of anathema, 'that the nations 'may know and acknowledge that thou art Peter, and that upon 'thy rock the Son of the living God hath built his church, and 'that the gates of hell shall not prevail against it.'

When intelligence of the deposition of Henry first astounded the nations of Europe, the glories of Papal Rome seemed to the multitude to have been madly staked on one most precarious issue. Men foretold that the Emperor would promptly and signally punish a treason so audacious, and that the Holy See would, erelong, descend to the level of the Patriarchate of Constantinople. Nor did the wisest deem such anticipations unreasonable. They reflected that Henry was still in the very prime of life—that he possessed a force of will which habitual luxury had not impaired, and a throne in the hearts of his people which the wildest excess of vice and folly had not subverted—that he reigned over the fairest and the wealthiest portion of the Continent—that he commanded numerous vassals, and could bring into the field powerful armies—that he had crushed rebellion among his subjects, and had no rival to dread among his neighbours—and that the Papacy had flourished under the shelter of the Imperial crown, the authority of which had been so arrogantly defied, and the fierce resentment of which was now inevitably to be encountered. But in the seeming strength of the Imperial resources, there was an inherent weakness, and in the seeming weakness of the Papal cause, a latent but invincible strength. Even Teutonic loyalty had been undermined by the cruelties, the faithlessness, and the tyranny of the monarch, and the doom of the oppressor was upon him. The cause of Gregory was, on the other hand, in popular estimation, the cause of sanctity and of truth, of primeval discipline and traditionary reverence, and the Pope himself a martyr, who, in all the

majesty of superhuman power, was resolved either to repel the spoiler from the Christian fold, or to lay down his life for the sheep. That these high and lofty purposes really animated the soul, or kindled the imagination of him to whom they were thus ascribed, it would be presumptuous to deny. But whatever may have been his reliance on the promises of heaven, he certainly combined with it a penetrating insight into the policy of earth. He summoned to his aid his Norman feudatories, and invoked the succour of his Tuscan allies. She who now reigned in Tuscany might be supposed to have been called into being for the single purpose of sustaining, like another Deborah or Judith, the fainting hopes of another Israel.

On the death of Boniface, Duke and Marquis of Tuscany, in 1054, his states descended to his only surviving child, who, under the title of 'The Great Countess,' ruled there until her own death in 1116, first in tutelage, then in conjunction with her mother Beatrice, and, during the last thirty-nine years of that long period, in her own plenary and undivided right. Though she married Godfrey of Lorraine in her youth, and Guelph of Bavaria in her more mature age, neither the wit and military genius of her first husband, nor the wisdom and dignity of his successor, could win the heart of Matilda. Her biographer has entered into an elaborate enquiry to establish the fact, that, notwithstanding her nuptial vows with two of the most accomplished princes of that age, she lived and died as in a state of celibacy. Even they who cannot concur with him in pronouncing the sacrifice sublime, will admit that it was at least opportune. While persuading the clergy to put away their wives, she herself repudiated both her husbands. The story, indeed, is not very tractable. Schools for scandal preceded, as they have survived, all the other schools of modern Italy; and whoever has read Goldasti's 'Replication for the Sacred Cæsarean and Royal Majesty of the Franks,' is aware that if Florence had then possessed a comic stage and an Aristophanes, he would have exhibited no less a personage than the great Hildebrand in the chains of no meaner an Aspasia than the great Countess of Tuscany. But large as is the space occupied by this charge, and by the refutation of it, in the annals of those times, it may safely be rejected as altogether incredible and absurd. At that period, the anatomists of the human heart seem not to have described, if indeed they had detected, that hieropathic affection so familiarly known among ourselves, of which the female spirit is the seat, and the ministers of religion the objects—a flame usually as pure as it is intense, and which burned as brightly in the soul of Matilda eight centuries ago, as in the most ardent of

the fair bosoms which it warms and animates now. She was in truth in love, but in love with the Papacy. Six aged Popes successively acknowledged and rejoiced over her, at once the most zealous adherent of their cause, and the most devoted worshipper of their persons. And well might those holy fathers exult in such a conquest. Poets in their dreams have scarcely imaged, heroes in the hour of their triumph have rarely attained, so illustrious a trophy of their genius or of their valour.

The life of Matilda is told by Donnizone, a member of her household, in three books of lamentable hexameters, and by Fiorentini, an antiquarian and genealogist of Lucca in the seventeenth century, in three other books scarcely less wearisome; though his learning, his love of truth, and his zeal for the glory of his heroine, secure for him the respect and the sympathy of his readers. That she should have inspired no nobler eulogies than theirs, may be ascribed partly to her having lived in the times when the Boethian had subsided into the Bœotian age of Italian literature, and partly to the uninviting nature of the ecclesiastical feuds and alliances in which her days were consumed. Otherwise, neither Zenobia, nor Isabella, nor Elizabeth, had a fairer claim to inspire and to live in immortal verse. Not even her somnolent chaplain, as he beat out his Latin doggerel, could avoid giving utterance to the delight with which her delicate features, beaming with habitual gaiety, had inspired him. Not even her severe confessor, Saint Anselm of Lucca, could record without astonishment, how her feeble frame sustained all the burdens of civil government, and all the fatigues of actual war; burdens indeed, which, but for a series of miraculous cures wrought for her at her own intercession, she could not (he assures us) have sustained at all.

Supported, either by miracle, or by her own indomitable spirit, Matilda wielded the sword of justice with masculine energy in the field against the enemies of the Holy See, or in the tribunal against such as presumed to violate her laws. He who knew her best, regarded these stern exercises of her authority but as the promptings of a heart which loved too wisely and too well to love with fondness. In the camp, such was the serenity of her demeanour, and the graceful flow of her discourse, that she appeared to him a messenger of mercy, in the garb of a Penthiselea. On the judgment-seat he saw in her not the stern avenger of crime, but rather the compassionate mother of the feeble and the oppressed.

Nor did she allow to herself any of the weak indulgence she denied to others. In a voluptuous age she lived austerely, subduing her appetites, and torturing her natural affections with

the perverse ingenuity which her ghostly councillors inculcated and extolled. In a superstitious age she subdued her desire for the devotional abstractions of the cloister; and with greater wisdom, and more real piety, consecrated herself to the active duties of her princely office. In an illiterate age, her habits of study were such that she could make herself intelligible to all the troops among whom she lived, though levied from almost every part of Europe, and especially to the Italian, French, and German soldiers, whose tongues she used with equal facility. Donnizone assures us, that, though he was ever at hand as her Latin secretary, she wrote with her own pen all her letters in that language to the Pontiffs and Sovereigns of her times—a proof, as his readers will think, of her discernment no less than of her learning. On his testimony, also, may be claimed for her the praise of loving, collecting, and preserving books; for thus he sings—

'Copia librorum non deficit huic ve bonorum;
Libros ex cunctis habet artibus atque figuris.'

How well she understood the right use of them, may be inferred from her employment of Werner, a jurist, to revise the 'Corpus Juris Civilis,' and of Anselm, her confessor, to compile a collection of the 'Canon Law,' and to write a commentary on the 'Psalms of David.' Such, indeed, was her proficiency in scriptural knowledge, that her versifying chaplain maintains her equality in such studies with the most learned of the Bishops, her contemporaries.

Warrior, ascetic, and scholar as she was, the spirit of Matilda was too generous to be imprisoned within the limits of the camp, the cell, or the library. It was her nobler ambition to be the refuge of the oppressed, and the benefactor of the miserable, and the champion of what she deemed the cause of truth. Mortifying the love of this world's glory, she laboured with a happy inconsistency to render it still more glorious. At her bidding, castles and palaces, convents and cathedrals, statues and public monuments, arose throughout Tuscany. Yet, so well was her munificence sustained by a wise economy, that to the close of her long reign, she was still able to maintain her hereditary title to the appellation of 'the rich,' by which her father, Boniface, had been distinguished. She might, with no less propriety, have been designated as 'the powerful;' since, either by direct authority, or by irresistible influence, she ruled nearly the whole of Northern Italy, from Lombardy to the Papal States, and received from the other monarchs of the West, both the outward homage and the real deference reserved for sovereign potentates.

Matilda attained to the plenary dominion over her hereditary

states at the very crisis of the great controversy of her age, when Henry had procured and promulgated the sentence of the Synod of Worms for the deposition of Gregory. Heedless, or rather unconscious, of the resources of that formidable adversary, he had made no preparation for the inevitable contest; but, as if smitten by a judicial blindness, selected that critical moment for a new outrage on the most sacred feelings of his own subjects. He marched into Saxony; and there, as if in scorn of the free German spirit, erected a stern military despotism, confiscated the estates of the people, exiled their nobles, imprisoned their bishops, sold the peasants as slaves, or compelled them to labour in erecting fortresses, from which his mercenary troops might curb and ravage the surrounding country. The cry of the oppressed rose on every side from the unhappy land. It entered into the ears of the Avenger.

As Henry returned from this disastrous triumph to Utrecht, the Imperial banner floated over a vast assemblage of courtiers, churchmen, vassals, ministers of justice, men-at-arms, and sutlers, who lay encamped, like some nomad tribe, round their chief, when the indignant bearing of some of his followers, and the alarmed and half-averted gaze of others, disclosed to him the awful fact, that a pontifical anathema had cast him down from his Imperial state, and exiled him from the society of all Christian people. His heart fainted within him at these dismal tidings as at the sound of his own passing bell. But that heart was kingly still, and resolute either to dare or to endure, in defence of his hereditary crown. Shame and sorrow might track him to the grave, but he would hold no counsel with despair. The world had rejected him—the Church had cast him out—his very mother deserted him. In popular belief, perhaps in his own, God himself had abandoned him. Yet all was not lost. He retained, at least, the hope of vengeance. On his hated adversary he might yet retaliate blow for blow, and malediction for malediction.

On Easter-day, in the year 1076, surrounded by a small and anxious circle of Prelates, William the Archbishop of Utrecht ascended his archiepiscopal throne, and recited the sacred narrative which commemorates the rising of the Redeemer from the grave. But no strain of exulting gratitude followed. A fierce invective depicted, in the darkest colours, the character and the career of Hildebrand, and with bitter scorn the preacher denied the right of such a Pope to censure the Emperor of the West, to govern the Church, or to live in her communion. In the name of the assembled Synod, he then pronounced him excommunicate.

At that moment the summons of death reached the author of

this daring defiance. While the last fatal struggle convulsed his body, a yet sorer agony affected his soul. He died self-abhorred, rejecting the sympathy, the prayers, and the sacraments with which the terrified bystanders would have soothed his departing spirit. The voice of Heaven itself seemed to rise in wild concert with the cry of his tortured conscience. Thunderbolts struck down both the church in which he had abjured the Vicar of Christ, and the adjacent palace in which the Emperor was residing. Three other of the anti-papal prelates quickly followed William to the grave, by strange and violent deaths. Godfrey of Lorraine fell by the hand of an assassin. Universal horror was awakened by such accumulated portents. Each day announced to Henry some new secession. His guards deserted his standard; his personal attendants avoided his presence. The members of the Synod of Worms fled to Rome, to make their peace with the justly-irritated Pontiff. The nobles set free the Saxon prisoners who had been confined to their custody. Otho appeared once more in arms to lead a new insurrection of his fellow-countrymen. The great Princes of Germany convened a council to deliberate on the deposition of their Sovereign. To every eye but his own, all seemed to be lost. Even to him it was but too evident that the loyalty of his subjects had been undermined, and that his throne was tottering beneath him. A single resource remained. He might yet assemble the faithful or the desperate adherents of his cause—inspire dread into those whose allegiance he had forfeited—make one last strenuous effort in defence of his crown—and descend to the tomb, if so it must be, the anointed and acknowledged Chief of the Carlovingian Empire.

With a mind wrought up to such resolves, he traversed the north of Germany to encounter the Saxon insurgents—published to the world the sentence of Utrecht—and called on the Lombard Bishops to concur in the excommunication it denounced. He reaped the usual reward of audacity. Though repelled by Otho, and compelled to retrace his march to the Rhine, he found every city, village, and convent, by which he passed, distracted with the controversy between the diadem and the tiara. Religion and awakening loyalty divided the Empire. Though not yet combining into any definite form, the elements of a new confederacy were evidently at work in favour of a Monarch who thus knew how to draw courage and energy from despair.

Yet the moral sentiment of the German people was as yet unequivocally against their Sovereign. The Imperialists mournfully acknowledged that their chief was justly condemned. The Papalists indignantly denied the truth of the reproaches cast on

their leader. In support of that denial, Gregory defended himself in epistles addressed to all the greater Teutonic prelates. Among them is a letter to Herman, Bishop of Metz, which vividly exhibits both the strength of the writer's character and the weakness of his cause. Although (he says) such as, from their exceeding folly, deny the papal right of excommunicating kings hardly deserve an answer, (the right to *depose* kings was the real point in debate,) yet, in condescension to their weakness, he will dispel their doubts. Peter himself had taught this doctrine, as appeared by a letter from St Clement, (in the authenticity of which no one believes.) When Pepin coveted the crown of Childeric, Pope Zachary was invited by the Mayor of the Palace to give judgment between them. On his ambiguous award the usurper had founded the title of his dynasty. Saint Gregory the Great had *threatened* to depose any monarch who should resist his decrees. The story of Ambrose and Theodosius rightly interpreted, gave proof that the Emperor held his crown at the will of the Apostle. Every king was one of the 'sheep' whom Peter had been commanded to feed, and one of the 'things' which Peter had been empowered to bind. Who could presume to place the sceptre on a level with the crosier? The one the conquest of human pride, the other the gift of divine mercy: the one conducting to the vain glories of earth, the other pointing the way to heaven. As gold surpasses lead, so does the Episcopal transcend the Imperial dignity. Could Henry justly refuse to the universal Bishop that precedence which Constantine had yielded to the meanest Prelate at Nicæa? Must not he be supreme above all terrestrial thrones, to whom all ecclesiastical dominations are subordinate?

To employ good arguments, one must be in the right. To make the best possible use of such as are to be had, is the privilege of genius, even when in the wrong. Nothing could be more convincing to the spiritual lords of Germany, nothing more welcome to her secular chiefs, than this array of great names and sonorous authorities against their falling Sovereign. To overcome the obstinate loyalty of the burghers and peasantry to their young and gallant King, religious terrors were indispensable; and continual reinforcements of Pontifical denunciations were therefore solicited and obtained. At length, in the autumn of 1076, appeared from Rome a rescript which, in the event (no longer doubtful) of Henry's continued resistance to the sentence of the last Papal council, required the German princes and prelates, counts and barons, to elect a new Emperor, and assured them of the Apostolical confirmation of any choice which should be worthily made. These were no idle words. The death-

struggle could no longer be postponed. Legates arrived from Rome, to guide the proceedings of the Diet to be convened for this momentous deliberation. It met during the autumn at Tribur.

The annals of mankind scarcely record so solemn or so dispassionate an act of national justice. On every adjacent height some princely banner waved over the mature vintage, and joining in that pleasant toil, and in the carols of that gay season, groups of unarmed soldiers might be traced along the furthest windings of the neighbouring Rhine. In the centre, and under the defence of that vast encampment, rose a pavilion, within which were collected all whose dignity entitled them to a voice in that high debate. From the only extant record of what occurred, and of what was spoken there, it may be inferred that Henry's offences against the Church were regarded lightly in comparison with the criminality of his civil government. Stationed on the opposite bank of the river, he received continued intelligence of the progress and tendency of the discussion. The prospect darkened hourly. Soldiers had already been dispatched to secure him ; and unknightly indignities inflicted on his person, might for ever have estranged the reverence borne to him by the ruder multitude, when he attempted to avert the impending sentence by an offer to abdicate all the powers of government to his greater feudatories, and to retreat from the contest as the merely titular head of the Teutonic Empire.

. Palpable as was the snare to the subtle Italian legates, the simple-minded Germans appear to have nearly fallen into it. For seven successive days, speech answered speech on this proposal, and when men could neither speak nor listen more, the project of a nominal reign, shorn of all substantial authority, was adopted by the Diet; but (in modern phrase) with amendments obviously imposed by the representatives of the sacerdotal power. The Pope was to be invited to hold a Diet at Augsburg in the ensuing spring. He was meanwhile to decide whether Henry should be restored to the bosom of the Church. If so absolved, he was at once to resume all his beneficial rights. But if the sun should go down on him, still an excommunicate person, on the 23d of February 1077, his crown was to be transferred to another. Till then he was to dwell at Spires, with the Imperial title, but without a court, an army, or a place of public worship.

The theocratic theory, hitherto regarded as a mere Utopian extravagance, had thus passed into a practical and a sacred reality. The fisherman of Galilee had triumphed over the conqueror of Pharsalia. The vassal of Otho had reduced Otho's

successor to vassalage. The universal monarchy which heathen Rome had wrung from a bleeding world, had been extorted by Christian Rome from the superstition or the reverence of mankind. The relation of the Papacy and the Empire had been inverted, and Churchmen foretold with unhesitating confidence the exaltation of their order above all earthly potentates, and the resort to their capital of countless worshippers, there to do homage to an oracle more profound than that of Delphi, to mysteries more pure than those of Eleusis, and to a pontificate more august than that of Jerusalem. Strains of unbounded joy resounded through the papal city. Solitude and shame and penitential exercises attended the past crimes and the abject fortunes of the exile of Spires.

But against this regimen of sackcloth and fasting, the body and the soul of Henry revolted. At the close of the Diet of Tribur, he had scarcely completed his twenty-sixth year. Degraded, if not finally deposed, hated and reviled, abandoned by man, and compelled by conscience to anticipate his abandonment by God, he yet in the depths of his misery retained the remembrance and the hope of dominion. Youth could still gild the future. He might yet retrieve his reputation, resume the blessings he had squandered, and take a signal vengeance on his great antagonist. And amidst the otherwise universal desertion, there was one faithful bosom on which to repose his own aching heart. Contrasted with the guilt and the baseness of her husband's court, Bertha is disclosed to us as the pure surrounded by the licentious, the faithful by the false. Her wrongs had been such as to render a deep resentment nothing less than a duty. Her happiness and her honour had been basely assailed by the selfish profligate to whom the most solemn vows had in vain united her. But to her, those vows were a bond stronger than death, and never to be dissolved or weakened by all the confederate powers of earth and hell. To suffer was the condition—to pardon and to love, the necessity—of her existence. Vice and folly could not have altogether depraved him who was the object of such devoted tenderness, and who at length returned it with almost equal constancy, after a bitter experience had taught him the real value of the homage and caresses of the world.

In her society, though an exile from every other, Henry wore away two months at Spires in a fruitless solicitation to the Pope to receive him in Italy as a penitent suitor for reconcilement with the Church. December had now arrived; and in less than ten weeks would be fulfilled the term, when, if still excommunicate, he must, according to the sentence at Tribur, finally resign, not the prerogatives alone, but the title and rank of Head of the

Empire. To avert this danger, no sacrifice could be declined; and history tells of none more singular than those to which the heir of the Franconian dynasty was constrained to submit. In the garb of a pilgrim, and in a season so severe as during more than four months to have converted the Rhine into a solid mass of ice, Henry and his faithful Bertha, carrying in her arms their infant child, undertook to cross the Alps, with no escort but such menial servants as it was yet in his power to hire for that desperate enterprise. Among the courtiers who had so lately thronged his palace, not one would become the companion of his toil and dangers. Among the neighbouring princes who so lately had solicited his alliance, not one would grant him the poor boon of a safe-conduct and a free passage through their states. Even his wife's mother exacted from him large territorial cessions as the price of allowing him and her own daughter to scale one of the Alpine passes, apparently that of the Great St Bernard. Day by day, peasants cut out an upward path through the long windings of the mountain. In the descent from the highest summit, when thus at length gained, Henry had to encounter fatigues and dangers from which the chamois-hunter would have turned aside. Vast trackless wastes of snow were traversed, sometimes by mere crawling, at other times by the aid of rope-ladders or still ruder contrivances, and not seldom by a sheer plunge along the inclined steep; the Empress and her child being enveloped on those occasions in the raw skins of beasts slaughtered on the march.

The transition from these dangers to security, from the pine forests, glaciers, and precipices of the Alps, to the sunny plains of the South, was not so grateful to the wearied travellers as the change from the gloom of Spires to the rapturous greetings which hailed their advance along the course of the Po. A splendid court, a numerous army, and an exulting populace, once more attested the majesty of the Emperor; nor was the welcome of his Italian subjects destitute of a deeper significance than usually belongs to the pæans of the worshippers of kings. They dreamed of the haughty Pontiff humbled, of the See of Ambrose exalted to civil and ecclesiastical supremacy, and of the German yoke lifted from their necks. Doomed as were these soaring hopes to an early disappointment, the enthusiasm of Henry's partisans justified those more sober expectations which had prompted his perilous journey across the Alps. He could now prosecute his suit to the Pope with the countenance and in the vicinity of those zealous adherents, and at a secure distance from the enemies towards whom Hildebrand was already advancing to hold the contemplated Diet of Augsburg. In per-

sonal command of a military escort, Matilda attended the Papal progress; and was even pointing out to her guards their line of march through the snowy peaks which closed in her northern horizon, when tidings of the rapid approach of the Emperor at the head of a formidable force induced her to retreat to the fortress of Canossa. There, in the bosom of the Apennines, her sacred charge would be secure from any sudden assault. Nor had she any thing to dread from the regular leaguer of such powers as could in that age have been brought to the siege of it.

Canossa was the cradle and the original seat of her ancient race. It was also the favourite residence of the Great Countess; and when Gregory found shelter within her halls, they were crowded with guests of the highest eminence in social and in literary rank. So imposing was the scene, and so superb the assemblage, that the drowsy muse of her versifying chaplain awakened for once to an hyperbole, and declared Canossa to be nothing less than a new Rome, the rival of that of Romulus. Thither, as if to verify the boast, came a long line of mitred penitents from Germany, whom the severe Hildebrand consigned on their arrival to solitary cells with bread and water for their fare; and there also appeared the German Emperor himself, not the leader of the rumoured host of Lombard invaders, but surrounded by a small and unarmed retinue—mean in his apparel, and contrite in outward aspect, a humble suppliant for pardon and acceptance to the communion of the faithful. Long centuries had passed away since the sceptre of the West had been won in Cisalpine fields fought by Italian armies; and Henry well knew that, to break the alliance of patriotism, cupidity, and superstition, which had degraded him at Tribur, it was necessary to rescue himself from the anathema which he had but too justly incurred. And Hildebrand! fathomless as are the depths of the human heart, who can doubt that, amidst the conflict of emotions which now agitated him, the most dominant was the exulting sense of victory over the earth's greatest Monarch? His rival at his feet, his calumniator self-condemned, the lips which had rudely summoned him to abdicate the Apostolic crown now suing to him for the recovery of the imperial diadem, the exaltation in his person of decrepid age over fiery youth, of mental over physical power, of the long-enthralled church over the long-tyrannizing world, all combined to form a triumph too intoxicating even for that capacious intellect.

The veriest sycophant of the Papal Court would scarcely have ventured to describe, as a serious act of sacramental devotion, the religious masquerade which followed between the high priest

and the imperial penitent; or to extol as politic and wise, the base indignities to which the Pontiff subjected his prostrate enemy, and of which his own pastoral letters contain the otherwise incredible record. Had it been his object to compel Henry to drain to its bitterest dregs the cup of unprofitable humiliation—to exasperate to madness the Emperor himself, and all who would resent as a personal wrong an insult to their sovereign—and to transmit to the latest age a monument and a hatred alike imperishable, of the extravagances of spiritual despotism, he could have devised no fitter course.

Environed by many of the greatest Princes of Italy who owed fealty and allegiance to the Emperor, Gregory affected to turn a deaf ear to his solicitations. His humblest offers were spurned; his most unbounded acknowledgments of the sacerdotal authority over the kings and kingdoms of the world were rejected. For the distress of her royal kinsman, Matilda felt as women and as monarchs feel: but even her entreaties seemed to be fruitless. Day by day, the same cold stern appeal to the future decisions of the Diet to be convened at Augsburg, repelled the suit even of that powerful intercessor. The critical point, at which prayers for reconcilement would give way to indignation and defiance, had been almost reached. Then, and not till then, the Pope condescended to offer his ghostly pardon, on the condition that Henry would surrender into his hands the custody of the crown, the sceptre, and the other ensigns of royalty, and acknowledge himself unworthy to bear the royal title. This, however, was a scandal on which not even the proud spirit of the now triumphant Priest dared to insist, and to which not even the now abject heart of the Emperor could be induced to submit. But the shame which was spared to the Sovereign was inflicted with relentless severity on the Man.

It was towards the end of January, the earth was covered with snow, and the mountain streams were arrested by the keen frost of the Apennines, when, clad in a thin penitential garment of white linen, and bare of foot, Henry, the descendant of so many kings, and the ruler of so many nations, ascended slowly and alone the rocky path which led to the outer gate of the fortress of Canossa. With strange emotions of pity, of wonder, and of scorn, the assembled crowd gazed on his majestic form and noble features, as, passing through the first and the second gateway, he stood in the posture of humiliation before the third, which remained inexorably closed against his further progress. The rising sun found him there fasting; and there the setting sun left him stiff with cold, faint with hunger, and devoured by shame and ill-suppressed resentment. A second day dawned, and wore

tardily away, and closed, in a continuance of the same indignities, poured out on mankind at large in the person of their chief by the Vicar of the meek, the lowly, and the compassionate Redeemer. A third day came, and still irreverently trampling on the hereditary lord of the fairer half of the civilized world, Hildebrand once more prolonged till nightfall this profane and hollow parody on the real workings of the broken and contrite heart.

Nor in the midst of this outrage on every natural sentiment and every honest prejudice, was he unwarned of the activity and the strength of those feelings. Lamentations, and even reproaches, rang through the castle of Canossa. Murmurs from Henry's inveterate enemies, and his own zealous adherents, upbraided Gregory as exhibiting rather the cruelty of a tyrant than the rigour of an apostle. But the endurance of the sufferer was the only measure of the inflexibility of the tormentor; nor was it till the unhappy Monarch had burst away from the scene of his mental and bodily anguish, and sought shelter in a neighbouring convent, that the Pope, yielding at length to the instances of Matilda, would admit the degraded suppliant into his presence. It was the fourth day on which he had borne the humiliating garb of an affected penitence, and in that sordid raiment he drew near on his bare feet to the more than imperial Majesty of the Church, and prostrated himself in more than servile deference before the diminutive and emaciated old man, 'from the terrible grace of 'whose countenance,' we are told, 'the eye of every beholder 'recoiled as from the lightning.' Hunger, cold, nakedness, and shame, had for the moment crushed that gallant spirit. He wept and cried for mercy, again and again renewing his entreaties, until he had reached the lowest level of abasement to which his own enfeebled heart, or the haughtiness of his great antagonist, could depress him. Then, and not till then, did the Pope condescend to revoke the anathema of the Vatican.

Cruel, however, were the tender mercies of the now exulting Pontiff. He restored his fallen enemy at once to the communion and to the contempt of his Christian brethren. The price of pardon was a promise to submit himself to the future judgment of the Apostolic See; to resign his crown if that judgment should be unfavourable to him; to abstain meanwhile from the enjoyment of any of his royal prerogatives or revenues; to acknowledge the validity of the release ot his subjects from their allegiance; to banish his former friends and advisers; to govern his states, should he regain them, in obedience to the papal counsels; to enforce all papal decrees, and never to revenge his present humiliation. To the observance of the terms thus dictated by the

conqueror, the oaths of Henry himself, and of several Prelates and Princes as his sponsors, were pledged; and then, in the name of Him who had declared that his kingdom was not of this world, and as the successor of him who had forbidden to all Bishops any lordship over the heritage of Christ, the solemn words of pontifical absolution rescued the degraded Emperor from the forfeit to which he had been conditionally sentenced by the confederates at Tribur.

Another expiation was yet to be made to the injured majesty of the Tiara. He in whom the dynasties of Cæsar, of Charlemagne, and of Otho had their representative, might still be compelled to endure one last and galling contumely. Holding in his hand the seeming bread, which words of far more than miraculous power had just transmuted into the very body which died and was entombed at Calvary—'Behold!' exclaimed the Pontiff, fixing his keen and flashing eye on the jaded countenance of the unhappy Monarch—'behold the body of the Lord! Be it this 'day the witness of my innocence. May the Almighty God 'now free me from the suspicion of the guilt of which I have 'been accused by thee and thine, if I be really innocent! May 'He this very day smite me with a sudden death, if I be really 'guilty!' Amidst the acclamations of the bystanders, he then looked up to heaven, and broke and ate the consecrated element. 'And now,' he exclaimed, turning once more on the awe-stricken Henry that eye which neither age could dim nor pity soften; 'if thou art conscious of thine innocence, and assured that the 'charges brought against thee by thine own opponents are false 'and calumnious, free the Church of God from scandal, and 'thyself from suspicion, and take as an appeal to heaven this body 'of the Lord.'

That in open contradiction to his own recent prayers and penances, the penitent should have accepted this insulting challenge was obviously impossible. He trembled, and evaded it. At length when his wounded spirit, and half-lifeless frame could endure no more, a banquet was served, where, suppressing the agonies of shame and rage with which his bosom was to heave from that moment to his last, he closed this scene of wretchedness, by accepting the hospitalities, sharing in the familiar discourse, and submitting to the benedictions of the man who had in his person given proofs till then unimagined, of the depths of ignominy to which the Temporal chief of Christendom might be depressed by an audacious use of the powers of her Ecclesiastical head.

The Lombard lords who had hailed the arrival of their Sovereign in Italy, had gradually overtaken his rapid advance to

Canossa. There, marshalled in the adjacent valleys, they anxiously awaited from day to day intelligence of what might be passing within the fortress, when at length the gates were thrown open, and attended only by the usual Episcopal retinue, a bishop was seen to descend from the steep path which led to their encampment. He announced that Henry had submitted himself to the present discipline and to the future guidance of the Pope, and had received his ghostly absolution; and that on the same terms His Holiness was ready to bestow the same grace on his less guilty followers. As the tidings of this papal victory flew from rank to rank, the mountains echoed with one protracted shout of indignation and defiance. The Lombards spurned the pardon of Hildebrand—an usurper of the Apostolic throne, himself excommunicated by the decrees of German and Italian Synods. They denied the authority of the Emperor, debased as he now was by concessions unworthy of a king, and by indignities disgraceful to a soldier. They vowed to take the crown from his dishonoured head, to place it on the brows of his son, the yet infant, Conrad; to march immediately to Rome, and there to depose the proud Churchman who had thus dared to humble to the dust the majesty of the Franconian line and of the Lombard name.

In the midst of this military tumult, the gates of Canossa were again thrown open, and Henry himself was seen descending to the camp, his noble figure bowed down, and his lordly countenance overcast with unwonted emotions. As he passed along the Lombard lines, every eye expressed contempt, and derision was on every tongue. But the Italian was not the German spirit. They could not at once despise and obey. Following the standard of their degraded monarch, they conducted him to Reggio, where, in a conclave of ecclesiastics, he instantly proceeded to concert schemes for their deliverance, and for his own revenge.

Within a single week from the absolution of Canossa, Gregory was on his way to Mantua to hold a council, to which the Emperor had invited him, with the treacherous design (if the papal historians may be credited) of seizing and imprisoning him there. The vigilance of Matilda rescued her Holy Father from the real or imaginary danger. From the banks of the Po she conducted him back, under the escort of her troops, to the shelter of her native mountain fastness. His faith in his own infallibility must have undergone a severe trial. The Imperial sinner he had pardoned, was giving daily proof that the heart of man is not to be penetrated even by Papal eyes. Henry was exercising, with ostentation, the prerogatives he had so lately vowed to forego.

He had cast off the abject tone of the confessional. All his royal instincts were in full activity. He breathed defiance against the Pontiff--seized and imprisoned his legates—recalled to his presence his excommunicated councillors—became once more strenuous for his rights—and was recompensed by one simultaneous burst of sympathy, enthusiasm, and devotedness, from his Italian subjects.

To balance the ominous power thus rising against him, Gregory now received an accession of dignity and of influence on which his eulogists are unwilling to dwell. The discipline of the Church, and the fate of the Empire, were not the only subjects of his solicitude while sheltered in the castle and city of the Tuscan heroine. The world was startled and scandalized by the intelligence, that his princely hostess had granted all her hereditary states to her Apostolic guest, and to his successors for ever, in full allodial dominion. By some sage of the law, who drew up the act of cession, it is ascribed to her dread of the Emperor's hostility. A nobler impulse is ascribed to the mistress of Liguria and Tuscany in the hobbling verses of her more honest chaplain. Peter, he says, bore the keys of heaven, and Matilda had resolved to bear the Etrurian keys of Peter's patrimony in no other character than that of doorkeeper to Peter. With what benignity the splendid inheritance was accepted, may also be learned from the worthy versifier. At this hour Pope Gregory the Sixteenth holds some parts of his territorial dominion in virtue of this grant. Hildebrand is one of the saints of the Church, and one of the heroes of the world. He, therefore, escapes the reproach of so grave an abuse of the hospitality of the Great Countess, and of the confidence she reposed in her spiritual guide. The coarser reproach in which it has involved them both, will be adopted by no one who has ever watched the weaving of the mystic bonds which knit together the female and the sacerdotal hearts. It was the age of feudalism, not of chivalry. Yet, when chivalry came, and St Louis himself adorned it, would he, if so tried, have resisted the temptation under which St Gregory fell? It is, probably, well for the fame of that illustrious prince that his virtue was never subjected to so severe a test.

Canossa, the scene of this memorable cession, was, at the same time, the prison of him to whom it was made. All the passes were beset with Henry's troops. All the Lombard and Tuscan cities were in Henry's possession. His reviving courage had kindled the zeal of his adherents. He was no longer an outcast to be trampled down with impunity; but the leader of a formidable host, with whom even the Vicar of Christ must condescend to temporize.

In the wild defiles of the Alps, swift messengers from the Princes to the Pope hurried past solemn legates from the Pope to the Princes—they urging his instant appearance at Augsburg—he exhorting them to avoid any decision in his absence. Mitred emissaries also passed from Gregory to the Emperor, summoning him to attend the Diet within a time by which no one unwafted by wings or steam could have reached the place, and requesting from him a suicidal safe-conduct for his pontifical judge. The Pope was now confined to the weapons with which men of the gown contend with men of the sword. His prescience foreboded a civil war. His policy was to assume the guidance of the German league just far enough to maintain his lofty claims, not far enough to be irrevocably committed to the leaguers. A plausible apology for his absence was necessary. It was afforded by Henry's rejection of demands made only that they might be rejected.

To Otho and to the aspiring Rudolf such subtleties were alike unfamiliar and unsuspected. Those stout soldiers and simple Germans, knew that the Pope had deposed their King and had absolved them from their allegiance. They doubted not, therefore, that he was bound heart and soul to their cause. Or if, in the assembly which they held at Forcheim, a doubt was whispered of Italian honour or of Pontifical faith, it was silenced by the presence there of Papal legates, who sedulously swelled the tide of invective against Henry. At first, indeed, they dissuaded the immediate choice of a rival sovereign. But to the demand of the Princes for prompt and decisive measures, they gave their ready assent. They advised them, it is true, to confer no hereditary title on the object of their choice. Yet when, in defiance of that advice, the choice was made, they solemnly confirmed it in the name, and by the authority, of Gregory. They did not, certainly, vote for the election of Rudolf; but, when the shouts of the multitude announced his accession to the Teutonic throne, they placed the crown on his head. That Hildebrand did not disavow these acts of his representatives, but availed himself of the alliances and aids to be derived from them, appeared to these downright captains, abundantly sufficient to bind him in conscience and in honour. That the Pope had not the slightest intention of being so bound, unless it should chance to suit his own convenience, is, however, past dispute. Even in the nineteenth century he has found, in M. l'Abbé Jager, an apologist who absolves him from all responsibility for the acts of his legates at the Diet of Forcheim, because they were adopted without awaiting his own personal arrival. The Diet might just as reasonably have awaited the arrival of the Millennium.

The decretals of Rome, of Tribur, of Canossa, and of Forcheim, were now to bear their proper fruits—fruits of bitter taste and of evil augury. At the moment when the cathedral of Mentz was pouring forth the crowds who had just listened to the coronation oath of Rudolf, the clash of arms, the cries of combatants, and the shrieks of the dying, mingled, strangely and mournfully, with the sacred anthems and the songs of revellers. An idle frolic of some Swabian soldiers had kindled into rage the sullen spirit with which the partisans of Henry had gazed on that unwelcome pageant; and the first rude and exasperated voice was echoed by the thousands who learned, from those acclamations, the secret of their numbers and their strength. The discovery and the agitation spread from city to city, and roused the whole German people from the Rhine to the Oder. Men's hearts yearned over their exiled King. They remembered that, but twelve short years before, he had been basely stolen from his mother by churchmen who had yet more basely corrupted him. They commemorated his courage, his courtesy, and his munificence. They pardoned his faults as the excesses of youth, and resented, as insults to themselves, the indignities of Canossa and the treason of Forcheim. In this reflux of public opinion, the loyal and the brave, all who cherished the honours of the crown, and all who desired the independence of the state, were supported by the multitudes to whom the papal edicts against simony and clerical marriages were fraught with calamity, and by that still more numerous body who at all times lend their voices and their arms to swell the triumph of every rising cause. To this confederacy Rudolf had to oppose the alliance of the princes, secular and ecclesiastical, the devoted zeal of the Saxon people, and the secret support, rather than the frank and open countenance, of the Pope. The shock of these hostile powers was near and inevitable.

In the spring of 1077, tidings were spread throughout Germany of the Emperor's arrival to the northward of the Alps. From Franconia, the seat of his house, from the fruitful province of Burgundy, and from the Bohemian mountains, he was greeted with an enthusiastic welcome. Many, even of the Bavarians and Swabians, revolted in his favour. His standard once more floated over all the greater citadels of the Rhine. He who, six months before, had fled from Spires a solitary wanderer, was now at the head of a powerful army, controlling the whole of Southern Germany, laying waste the territories of his rivals, and threatening them with a signal retribution.

Amidst the rising tempest the voice of Gregory was heard; but it was no longer trumpet-tongued and battling with the storm. The Supreme Earthly Judge, the dread avenger, had

subsided into the pacific mediator. In the name of Peter he enjoined either king to send him a safe-conduct, that he might, in person, arbitrate between them and stop the effusion of Christian blood. A safe but an impracticable offer; an indirect but significant avowal of neutrality between the sovereign he had so lately deposed, and the sovereign whom, by his legates, he had so lately crowned. Thus ignobly withdrawing from the contest he had so precipitately kindled, Hildebrand returned from Canossa to the papal city. The Great Countess, as usual, attended as the commander of his guard. Rome received in triumph her new Germanicus, and decreed an ovation to his ever-faithful Agrippina.

While the glories of Canossa were thus celebrated by rejoicings in the Christian Capital, these were expiated by blood in the plains of Saxony. Confiding in the solemn acts of the Pope and his Legates, the Saxons had thronged to the defence of the crown of Rudolf, and they had sustained it undauntedly. But the bravest quailed at the intelligence that Gregory had disowned the cause of the Church, and of their native land; and that, even in the palace of the Lateran, the ambassadors of Henry were received with honours and with a deference denied to the humbler envoys of his rival. Sagacity far inferior to that of Hildebrand, could, at that time, have divined that the sword alone could decide such a quarrel—that the sword of Henry was the keener of the two—and that, by the cordial adoption of the cause of either, the Pope might draw on himself the vengeance of the conqueror. To pause, to vacillate, and to soothe, had, therefore, become the policy of the Sovereign of the Papal States; but to be silent or inactive in such a strife, would have been to abdicate one of the highest prerogatives of the Papacy. Pontifical legates traversed Europe. Pontifical epistles demanded the submission of the combatants. Pontifical warnings denounced woes on the disobedient. But no pontifical voice explained who was to be obeyed or who opposed, what was to be done or what forborne. Discerning readers of these mandates understood them as an intimation that, on the victorious side, (whichever that side might be.) the pontifical power would ultimately be found.

The appeal from these dark oracles to the unambiguous sword was first made by the rival kings in the autumn of 1078. They met on the banks of the Stren, on the plains of Melrichstadt. Each was driven from the field with enormous loss; Henry by his inveterate antagonist Otho; Rudolf by Count Herbard, the lieutenant of Henry. Each claimed the victory. An issue so indecisive could draw from the circumspect Pontiff nothing more definite than renewed exhortations to rely on the Holy Peter; and

could urge him to no measure more hazardous than that of convening a new Council at the Lateran. There appeared the Imperial envoys with hollow vows of obedience, and Saxon messengers invoking some intelligible intimation of the judgment and purposes of the Apostolic See. Again the Pope listened, spoke, exhorted, threatened, and left the bleeding world to interpret, as it might, the mystic sense of the Infallible.

To that brave and truth-loving people, from whom, at the distance of four centuries, Luther was to rise for the deliverance of mankind, these subterfuges appeared in their real light. The Saxon annalist has preserved three letters sent by his countrymen on this occasion to Gregory, which he must have read with admiration and with shame. 'You know, and the letters of your 'Holiness attest' (such is their indignant remonstrance) 'that it 'was by no advice nor for any interest of ours, but for wrongs 'done to the Holy See, that you deposed our King, and forbade 'us, under fearful menaces, to acknowledge him. We have obeyed 'you at great danger, and at the expense of horrible sufferings. 'Many of us have lost their property and their lives, and have 'bequeathed hopeless poverty to their children. We who sur- 'vive are without the means of subsistence, delivered over to 'the utmost agonies of distress. The reward of our sacrifices is, 'that he who was compelled to cast himself at your feet has been 'absolved without punishment, and has been permitted to crush 'us to the very abyss of misery. After our King had been so- 'lemnly deposed in a Synod, and another chosen in virtue of the 'Apostolic authority, the very matter thus decided is again brought 'into question. What especially perplexes us simple folk is, that 'the legates of Henry, though excommunicated by your legates, 'are well received at Rome. Holy Father, your piety assures us 'that you are guided by honourable, not by subtle views; but we 'are too gross to understand them. We can only explain to you that 'this management of two parties has produced civil war, murder, 'pillage, conflagration. If we helpless sheep had failed in any 'point of duty, the vengeance of the Holy See would have over- 'taken us. Why exhibit so much forbearance, when you have 'to do with wolves who have ravaged the Lord's fold? We con- 'jure you to look into your own heart, to remember your own 'honour, to fear the wrath of God, and for your own sake, if not 'for love of us, rescue yourself from the responsibility for the tor- 'rents of blood poured out in our land.'

To these pathetic appeals Gregory answered slowly and reluctantly; by disavowing the acts of his legates at Forcheim; by extolling his own justice, courage, disinterestedness; by invoking the support of all orders of men in Germany; and by assuring them,

in scriptural language, of the salvation of such 'as should persevere to the end.' But the hour for blandishments had passed away. The day of wrath and the power of the sword had come.

The snow covered the earth, and the frost had chained the rivers, when in the winter of 1079-80, the armies of Henry and Rudolf were drawn up, in hostile lines, at the village of Fladenheim near Mulhausen. Henry was the assailant, but, though driven with great loss from the field, Rudolf was the conqueror; for in that field the dreaded Otho again commanded, and by his skill and courage a rout was turned into a victory.

The intelligence arrived at Rome at the moment when Gregory was presiding there in the most numerous of the many councils he had convened at the Lateran. Long-suppressed shame for his ignoble indecision, the murmurs of the assembled Prelates, a voice from Heaven audible, as we are told, to his sense alone, and above all the triumphant field of Fladenheim, combined to overcome his long-cherished but timid policy. Rising from his throne with the majesty of his earlier days, the Pope, in the names of Peter and of Paul, 'of God and of his holy mother 'Mary,' excommunicated Henry, took from him the government of his states, deprived him of his royal rank, forbade all Christian people to receive him as their king, 'gave, granted, 'and conceded,' that Rudolf might rule the German and Italian Empire, and with blessings on Rudolf's adherents, and curses on his foes, dissolved the assembly. Then moved, as he believed, by a divine impulse, he proceeded to the altar, and uttered a prediction, that ere the Church should celebrate the festival of the Prince of the Apostles, Henry, her rebellious outcast, should neither reign nor live to molest her.

A perilous prophecy. Henry was no longer the exile of Tribur nor the penitent of Canossa. His own rage, on hearing of this new papal sentence, did not burn so fiercely as the wrath of his adherents. With the sanction of thirty bishops, a new Anti-Pope, Guibert of Ravenna, was elected at Brixen; and, at every court in Europe, Imperial embassies demanded support for the common cause of all temporal sovereigns. In every part of Germany troops were levied, and Henry marched at their head to crush the one Cisalpine power in alliance with Rome. But that power was still animated by the Saxon spirit, and was still sustained by the claims of Rudolf and by the genius of Otho.

On the bright dawn of an autumnal day, his forces, drawn up on the smiling banks of the Elster, raised the sacred song of the Hebrews, 'God standeth in the congregation of princes; he 'is a judge among Gods;' and flung themselves on the far ex-

tended lines of Henry's army; who, with emulous devotion, met them with the hardly less sublime canticle, 'Te Deum laudamus.' Cries more welcome to the demons of war soon stilled these sacred strains—cries of despair, of anguish, and of terror. They first rose from one of Henry's squadrons, which, alarmed by the fall of their captain, receded, and, in their retreat, spread through the rest a panic, a pause, and a momentary confusion. That moment was enough for the eagle glance of Otho. He rushed on the wavering Imperialists, and, ere that bright sun had reached the meridian, thousands had fallen by the Saxon sword, or had perished in the blood-stained river. The victory was complete, the exultation rapturous. Shouts of glory to the God of battles, thanksgivings for the deliverance of Saxony, pæans of immortal honour to Otho, the noblest of her sons, soothed or exasperated the agonies of the dying, when the triumph was turned into sudden and irremediable mourning. On the field which had, apparently, secured his crown, Rudolf himself had fallen. He fell by an illustrious arm. Godfrey of Bouillon, the hero of the *Jerusalem Delivered*, struck the fatal blow. Another sword severed the right hand from the arm of Rudolf. 'It 'is the hand,' he cried, as his glazing eye rested on it, 'with 'which I confirmed my fealty to Henry my lord.' At once elevated by so signal a victory, and depressed by these penitent misgivings, his spirit passed away, leaving his adherents to the mercy of his rival.

The same sun which witnessed the ruin of Henry's army on the Elster, looked down on a conflict, in which, on that eventful morning, the forces of Matilda in the Mantuan territory fled before his own. He now, once more, descended into Italy. He came, not, as formerly, a pilgrim and an exile; but at the head of an army devoted to his person, and defying all carnal enemies and all spiritual censures. He came to encounter Hildebrand, destitute of all Transalpine alliances, and supported, even in Italy, by no power but that of Matilda; for the Norman Duke of Apulia was far away attempting the conquest of the Eastern capital and empire. But Henry left, in his rear, the invincible Saxons and the hero who commanded them. To prevent a diversion in that quarter, the Emperor proposed to abdicate his dominion in Saxony in favour of Conrad, his son. But Otho (a merry talker, as his annalist informs us) rejected the project with the remark, that 'the calf of a vicious bull usually proved 'vicious.' Leaving, therefore, this implacable enemy to his machinations, the Emperor pressed forward; and before the summer of 1080, the citizens of Rome saw, from their walls, the German standards in hostile array in the Campagna.

In the presence of such danger, the gallant spirit of the aged Pope once more rose and exulted. He convened a Synod to attest his last defiance of his formidable enemy. He exhorted the German princes to elect a successor to Rudolf. In letters of impassioned eloquence, he again maintained his supremacy over all the kings and rulers of mankind. He welcomed persecution as the badge of his holy calling; and, while the besiegers were at the gates, he disposed (at least in words) of royal crowns and distant provinces. Matilda supplied him with money, which, for a while, tranquillized the Roman populace. He himself wrought miracles to extinguish conflagrations kindled by their treachery. In language such as martyrs use, he consoled the partners of his sufferings. In language such as heroes breathe, he animated the defenders of the city. The siege, or blockade, continued for three years uninterruptedly, except when Henry's troops were driven, by the deadly heats of autumn, to the neighbouring hills. Distress, and, it is alleged, bribery, at length subdued the courage of the garrison. On every side clamours were heard for peace; for Henry demanded, as the terms of peace, nothing more than the recognition of his Imperial title, and his coronation by the hands of Gregory. The conscience, perhaps the pride, of Gregory revolted against the proposal. His invincible will opposed and silenced the outcries of the famished multitudes; nor could their entreaties, or their threats, extort from him more than a promise that, in the approaching winter, he would propose the question to a Pontifical Synod. It met, by the permission of Henry, on the 30th November 1083. It was the latest council of Gregory's pontificate. A few Bishops, faithful to their chief and to his cause, now occupied the seats so often thronged by mitred churchmen. Every pallid cheek and anxious eye was turned to him who occupied the loftier throne in the centre of that agitated assembly. He rose, and the half-uttered suggestions of fear and human policy were hushed into deep stillness as he spoke. He spoke of the glorious example, of the sacred duty, of the light affliction, and of the eternal reward, of martyrs for the faith. He spoke, as dying fathers speak to their children, of peace, and hope, and of consolation. But he spoke also, as inspired prophets spake of yore to the Kings of Israel, denouncing the swift vengeance of Heaven against his oppressor. The enraptured audience exclaimed that they had heard the voice of an angel, not of a man. Gregory dismissed the assembly, and calmly prepared for whatever extremity of distress might await him.

It did not linger. In the spring of 1084 the garrison was overpowered, the gates were thrown open to the besiegers, and

Gregory sought a precarious refuge in the Castle of St Angelo. He left the great Church of the Lateran as a theatre for the triumph of his antagonist and his rival. Seated on the Apostolic throne, Guibert, the Anti-Pope of Brixen, was consecrated there by the title of Clement the Third; and then, as the successor of Peter, he placed the crown of Germany and of Italy on the brows of Henry and of Bertha as they knelt before him.

And now Henry had in his grasp the author of the shame of Canossa, of the anathemas of the Lateran, and of the civil wars and rebellions of the Empire. The base populace of Rome were already anticipating, with sanguinary joy, the humiliation, perhaps the death, of the noblest spirit who had reigned there since the slaughter of Julius. The approaching catastrophe, whatever might be its form, Gregory was prepared to meet with a serene confidence in God, and a haughty defiance of man. A few hours more, and the castle of St Angelo must have yielded to famine or to assault, when the aged Pope, in the very agony of his fate, gathered the reward of the policy with which he had cemented the alliance between the Papacy and the Norman conquerors of the south of Italy. Robert Guiscard, returning from Constantinople, flew to the rescue of his Suzerain. Scouts announced to Henry the approach of a mighty host, in which the Norman battle-axe and the cross were strangely united with the Saracenic cimeter and the crescent. A precipitate retreat scarcely rescued his enfeebled troops from the impending danger. He abandoned his prey in a fever of disappointment. Unable to slake his thirst for vengeance, he might allay it by surprising the Great Countess, and overwhelming her forces, still in arms in the Modenese. But he was himself surprised in the attempt by her superior skill and vigilance. Shouts for St Peter and Matilda roused the retreating Imperialists by night, near the Castle of Sorbaria. They retired across the Alps with such a loss of men, of officers, and of treasure, as disabled them from any further enterprises.

The Emperor returned into Germany to reign undisturbed by civil war; for the great Otho was dead, and Herman of Luxemburg, who had assumed the Imperial title, was permitted to abdicate it with contemptuous impunity. Henry returned, however, to prepare for new conflicts with the Papacy—to drain the cup of toil, of danger, and of distress—and to die, at length, with a heart broken by the parricidal cruelty of his son. No prayers were said, and no requiem sung, over the unhallowed grave which received the bones of the excommunicated Monarch. Yet they were committed to the earth with the best and the kindest obsequies. The pity of his enemies, the lamentation of his subjects, and the unbidden tears of the poor, the widows, and the orphans,

who crowded round the bier of their benefactor, rendered his tomb not less sacred than if blessed by the united prayers of the whole Christian Episcopacy. Those unbribed mourners wept over a Prince to whom God had given a large heart and a capacious mind; but who had derived from canonized Bishops a corrupting education, and from too early and too uncheckered prosperity the development of every base and cruel appetite; but to whom calamity had imparted a self-dominion from which none could withhold his reverence, and an active sympathy with sorrow to which none could refuse his love.

With happier fortunes, as, indeed, with loftier virtues, Matilda continued, for twenty-five years, to wage war in defence of the Apostolic See. After a life which might seem to belong to the province of romance rather than of history, she died at the age of seventy-five, bequeathing to the world a name second, in the annals of her age, to none but that of Hildebrand himself.

To him the Norman rescue of the Papal city brought only a momentary relief. He returned in triumph to the Lateran. But, within a few hours, he looked from the walls of that ancient palace on a scene of woe such as, till then, had never passed before him. A sanguinary contest was raging between the forces of Robert and the citizens attached to Henry. Every street was barricaded, every house had become a fortress. The pealing of bells, the clash of arms, cries of joy, and shrieks of despair, assailed his ears in dismal concert. When the sun set behind the Tuscan hills on this scene of desolation, another light, and a still more fearful struggle, succeeded. Flames ascended at once from every quarter. They leaped from house to house, enveloping and destroying whatever was most splendid or most sacred in the edifices of mediæval Rome. Amidst the roar of the conflagration they had kindled, and by its portentous light, the fierce Saracens and the ruthless Northmen revelled in plunder, lust, and carnage, like demons by the glare of their native pandemonium. Gregory gazed with agony on the real and present aspect of civil war. Perhaps he thought with penitence on the wars he had kindled beyond the Alps. Two-thirds of the city perished. Every convent was violated, every altar profaned, and multitudes driven away into perpetual and hopeless slavery.

Himself a voluntary exile, Gregory sought, in the Castle of Salerno, and under the protection of the Normans, the security he could no longer find among his own exasperated subjects. Age and anxiety weighed heavily upon him. An unwonted lassitude depressed a frame till now incapable of fatigue. He recognised the summons of death, and his soul rose with unconquerable power to entertain that awful visitant. He summoned

round his bed the Bishops and Cardinals who had attended his flight from Rome. He passed before them, in firm and rapid retrospect, the incidents of his eventful life. He maintained the truth of the great principles by which it had been governed from the commencement to the close. He named his three immediate successors in the Papacy. He assured his weeping friends of his intercession for them in heaven. He forgave, and blessed, and absolved his enemies, though with the resolute exceptions of the Emperor and the Anti-Pope. He then composed himself to die. His faltering lips had closed on the transubstantiated elements. The final unction had given assurance that the body, so soon to be committed to the dust, would rise again in honour and in incorruption. Anxious to catch the last accents of that once oracular voice, the mourners were bending over him, when, struggling in the very grasp of death, he collected, for one last effort, his failing powers, and breathed out his spirit with the indignant exclamation—'I have loved righteousness and hated iniquity, 'and therefore I die in exile!'

It was not permitted, even to the genius of Hildebrand, to condense, into a single sentence, an epitome of such a life as his. It was a life scarcely intelligible to his own generation, or to himself, nor indeed to our age, except by the light of that ecclesiastical history in which it forms so important an era.

It had ill beseemed the inspired wisdom of the tent-maker of Tarsus, and of the Galilean fishermen, to have founded on any other than a popular basis a society destined to encounter the enmity of the dominant few by the zeal of the devoted many. From the extant monuments of their lives and writings, it accordingly appears that they conceded to the lay multitude an ample share in the finance, the discipline, and the legislation of the collective body. The deacons were the tribunes of the Christian people. This was the age of Proselytism.

In the sad and solemn times which followed, ecclesiastical authority became austere and arbitrary, and submission to it enthusiastic. Martyrs, in the contemplation of mortal agonies and of an opening paradise, had no thoughts for the adjustment and balancing of sacerdotal powers. They who braved the wild beasts of the amphitheatre, or the ascetic rigours of the wilderness, were the heroes of the Church. The rest sunk into a degraded caste. But all laid bare their souls at the confessional. All acknowledged a dominion which, discountenanced by the state, sustained itself by extreme and recondite maxims of government. In virtue of such maxims, the Episcopal order encroached on every other. The vicarious attributes of Deity

were ascribed to those who ministered at the altar. There, and at the font, gifts of inestimable price were placed, in popular belief, at the disposal of the priest, whose miracles, though unattested by sense or consciousness, threw into the shade the mightiest works of Moses and of Christ. This was the age of Persecution.

Heretics arose. To refute them from the sacred text was sometimes difficult, always hazardous. It was easier to silence them by a living authority. The Bishops came forth as the elect depositories of an unwritten code. Tradition became the rule of the Christian world. It might crush the errors of Arius—it might sustain the usurpations of Ambrose. This was the age of Controversy.

Constantine saw the miraculous cross, and worshipped. He confirmed to the Christian hierarchy all their original and all their acquired powers. This was the age of the Church and State alliance.

The seat of empire was transferred from the Tiber to the Bosphorus. The Roman bishop and clergy seized on the vacant inheritance of abdicated authority. The Pope became the virtual sovereign of the Roman city. The Greeks and Latins became ecclesiastical rivals. Then was first heard the Roman watchword and rallying cry of the Visible Unity of the Church. This was the age of Papal Independence.

Goths, Vandals, Huns, Bulgarians, Franks, and Lombards, conquered the dominions of Cæsar. But they became the converts and tributaries of Peter. The repulse of the Saracens by Charles Martel gave to Europe a new empire, to the Church a second Constantine. This was the age of Barbaric Invasion.

Europe became one vast assemblage of military states. The lands were every where partitioned by the conquerors among their liegemen, who, having bound themselves to use their swords in their lords' defence, imposed a similar obligation on their own tenants, who, in turn, exacted it from their subordinate vassals. This was the age of Feudalism and of Hildebrand.

He ascended the Apostolic throne, therefore, armed with prescriptions in favour of the loftiest claims of the hierarchy, thus reaching back almost to the apostolic times. But he found in the Papal armoury other weapons scarcely less keen, though of a more recent fabric. Of these the most effective were the intimate alliance of the Roman See with the monastic orders, and the reappearance, in theological debate, of that mystic word which, seven centuries before, had wrought such prodigies at Nicæa. He who first taught men to speak of an Hypostatic change beneath unchanging forms, may have taught them to talk nonsense. But

though he added little or nothing to the received doctrine of the Church, he made an incalculable addition to the sacerdotal power.

To grasp, to multiply, and to employ these resources in such a manner as to render the Roman Pontiff the suzerain of the civilized world, was the end for which Hildebrand lived—an unworthy end, if contrasted with the high and holy purposes of the Gospel—an end even hateful, if contrasted with the free and generous spirit in which the primitive founders of the Church had established and inculcated her liberties—yet an end which might well allure a noble spirit in the eleventh century, and the attainment of which (so far as it was attained) may be now acknowledged to have been conducive, perhaps essential, to the progress of Christianity and civilization.

To the spiritual despotism of Rome in the middle ages may, indeed, be traced a long series of errors and crimes, of wars and persecutions. Yet the Papal dynasty was the triumphant antagonist of another despotism the most galling, the most debasing, and otherwise the most irremediable, under which Europe had ever groaned. The centralization of ecclesiastical power more than balanced the isolating spirit of the feudal oligarchies. The vassal of Western, and the serf of Eastern Europe, might otherwise, at this day, have been in the same social state, and military autocracies might now be occupying the place of our constitutional or paternal governments. Hildebrand's despotism, with whatever inconsistency, sought to guide mankind, by moral impulses, to a more than human sanctity. The feudal despotism with which he waged war, sought, with a stern consistency, to degrade them into beasts of prey or beasts of burden. It was the conflict of mental with physical power, of literature with ignorance, of religion with injustice and debauchery. To the Popes of the middle ages was assigned a province, their abandonment of which would have plunged the Church and the World into the same hopeless slavery. To Pope Gregory the Seventh were first given the genius and the courage to raise himself and his successors to the level of that high vocation.

Yet Hildebrand was the founder of a tyranny only less odious than that which he arrested, and was apparently actuated by an ambition neither less proud, selfish, nor reckless, than that of his secular antagonists. In the great economy of Providence human agency is ever alloyed by some base motives; and the noblest successes recorded by history, must still be purchased at the price of some great ultimate disaster.

To the title of the Czar Peter of the Church conferred on him by M. Guizot, Hildebrand's only claim is, that by the energy of his will he moulded her institutions and her habits of thought to his

own purposes. But the Czar wrought in the spirit of an architect who invents, arranges, and executes his own plan: Hildebrand in the spirit of a builder, erecting by the divine command a temple of which the divine hand had drawn the design and provided the materials. His faith in what he judged to be the purposes and the will of Heaven, were not merely sublime but astounding. He is every where depicted in his own letters the habitual denizen of that bright region which the damps of fear never penetrate, and the shadows of doubt never overcast.

To extol him as one of those Christian stoics whom the wreck of worlds could not divert from the straight paths of integrity and truth, is a mere extravagance. His policy was Imperial; his resources and his arts Sacerdotal. Anathemas and flatteries, stern defiances and subtle insinuations, invective such as might have been thundered by Genseric, and apologies such as might have been whispered by Augustulus, succeed each other in his story, with no visible trace of hesitation or of shame. Even his professed orthodoxy is rendered questionable by his conduct and language towards Berengarius, the great opponent of transubstantiation. With William of England, Philip of France, and Robert of Apulia, and even with Henry of Germany, he temporized at the expense of his own principles as often as the sacrifice seemed advantageous. 'Nature gave horns to bulls:' to aspiring and belligerent Churchmen she gave Dissimulation and Artifice.

Our exhausted space forbids the attempt to analyse or delineate the character of the great founder of the spiritual despotism of Rome. His acts must stand in place of such a portraiture. He found the Papacy dependent on the Empire: he sustained her by alliances almost commensurate with the Italian Peninsula. He found the Papacy electoral by the Roman people and clergy: he left it electoral by a college of Papal nomination. He found the Emperor the virtual patron of the Holy See: he wrested that power from his hands. He found the secular clergy the allies and dependents of the secular power: he converted them into the inalienable auxiliaries of his own. He found the higher ecclesiastics in servitude to the temporal sovereigns: he delivered them from that yoke to subjugate them to the Roman Tiara. He found the patronage of the Church the mere desecrated spoil and merchandise of princes: he reduced it within the dominion of the Supreme Pontiff. He is celebrated as the reformer of the impure and profane abuses of his age: he is more justly entitled to the praise of having left the impress of his own gigantic character on the history of all the ages which have succeeded him.

ART. II.—1. *The Pictorial Edition of the Works of Shakspere.* Edited by CHARLES KNIGHT. Eight volumes, royal 8vo. London: 1838-1842.

2. *The Comedies, Histories, Tragedies, and Poems of William Shakspere.* Edited by CHARLES KNIGHT. The Second (or Library) Edition. Twelve volumes, 8vo. London: 1842-1844.

3. *The Works of William Shakespeare. The Text formed from an entirely new collation of the old editions; with the various Readings, Notes a Life of the Poet, and a History of the English Stage.* By J. PAYNE COLLIER, Esq, F.S.A. Eight volumes, 8vo. London: 1842-1844.

WE have heard enough of smart talk about the eternal commentaries upon, and illustrations of Shakspeare, not to expect that the first salutation with which this Article will be greeted, among the dealers in commonplaces, will be a ready verdict of inutility, without the formality of a trial. But, disliking as much as any the ponderous and vapid commentaries, fantastic emendations, and other impertinences, with which the genius and text of the immortal Dramatist have been at different periods obscured and vexed, we are not, in a period of great and rich acquisitions, and sounder criticism, to suffer ourselves to be put aside, by shallow sneers, from the duty of making our readers acquainted with what has been recently done by two Editors, or either of them, to render the perusal of the works of the most everlasting of English writers more easy, more agreeable, and more satisfactory; or the bibliographical, literary, and progressive history of his Dramas more probable and instructive.

Before proceeding farther with this task, it may be fair to let each of the two Editors explain his own understanding of that which he has done, or attempted.

'The prospectus of my edition of Shakspere,' says Mr Knight, 'issued in the summer of 1838, announced an intention to do something more than reprint the ordinary text with a selection of notes; nor was the chief recommendation of the new edition to consist in its pictorial illustrations. I knew, and I endeavoured to explain in that prospectus, that Shakspere had been grievously injured by those who had undertaken the office of making him understood; that they had corrupted his text, and had never rightly appreciated his consummate art. Since the publication of the posthumous edition of Malone by Boswell in 1821, there had been no attempt to produce a new critical edition, which should

sedulously examine the ancient texts, instead of revelling in conjectural emendation—should avail itself of any improved facilities for illustrating the author—should exhibit something of what had been done to that end in foreign countries—and, above all, casting aside the ignorant spirit of all that species of commentary, which sought more to show the cleverness of depreciating criticism than the confiding humility of a reverential love, should represent the altered spirit of our literary tastes during the last quarter of a century. The antiquarians—the bibliographers—had not come forward to do this; and I ventured to apply myself zealously but humbly to the task.' *

'I should not have ventured,' says Mr Collier in his Preface, 'to undertake the superintendence of a new edition of the works of Shakespeare, had I not felt confidence, arising not only out of recent, but long-continued experience, that I should enjoy some important and peculiar advantages. The Duke of Devonshire and Lord Francis Egerton, I was sure, would allow me to resort to their libraries, in cases where search in our public depositories must be unavailing, in consequence of their inevitable deficiencies: this would of itself have been a singular facility; but I did not anticipate that these two noblemen would at once have permitted me, as they have done, to take home, for the purpose of constant and careful collation, every early impression of Shakespeare's productions they possessed. The collection of the Duke of Devonshire is notoriously the most complete in the world; his grace has a perfect series, including of course every first edition, several of which are neither at Oxford, Cambridge, nor in the British Museum: and Lord Francis Egerton has various impressions of the utmost rarity, besides plays, poems, and tracts of the time, illustrative of the works of our great dramatist. All these I have had in my hands during the preparation and printing of the ensuing volumes; so that I have had the opportunity of going over every line and letter of the text, not merely with one, but with several original copies, (sometimes varying materially from each other,) under my eye. Wherever, therefore, the text of the present edition is faulty, I can offer no excuse founded upon want of most easy access to the best authorities. * * * My main object has been to ascertain the true language of the poet, and my next to encumber his language with no more in the shape of comment, than is necessary to render the text intelligible; and I may add, that I have the utmost confidence in the perspicuity of Shakespeare's mode of expressing his own meaning, when once his precise words have been established. The introductions to the separate dramas are intended to comprise all the existing information regarding the origin of the plot, the period when each play was written and printed, the sources of the most accurate readings, and any remarkable circumstance attending composition, production, or performance. I have arranged the whole for the first time, in the precise sequence observed by Heminge and Condell in

* *Postscript to the Sixth Volume of the First or Pictorial Shakspere, issued in December* 1841.

the folio of 1623: they were fellow-actors with Shakespeare, and had played, perhaps, in every drama they published; and, as they executed their task with intelligence and discretion in other respects, we may presume that they did not without reason settle the order of the plays in their noble monument to the author's memory. For about half the whole number, their volume affords the most ancient and authentic text; but with respect to the rest, printed in quarto before the appearance of the folio, I have in every instance traced the text through the earlier impressions, and have shown in what manner and to what degree it has been changed and corrupted. In the biographical memoir of the poet, of whom it is not too much to say, that he combined in himself more than all the excellences of every dramatist before or since the revival of letters, I have been anxious to include the most minute particles of information, whether of tradition or discovery. This information is now hardly as scanty as it was formerly represented; and by the favour of friends and my own research, I have been able to add to it some particulars entirely new, and of no little importance. * * * The account of our drama and stage, to the time of Shakespeare, is necessarily brief and summary; but it is hoped that it will be deemed sufficient. * * * The glossarial index, which concludes the preliminary portion of this work, will perhaps demand some forbearance on the part of the reader; it is, I believe, the first time an alphabetical list of words, used by Shakespeare, has been made to answer the double purpose of a mere glossary, and of a means of reference to notes, where explanatory matter is inserted.'

The two editors have some points in common. In the first place, they agree in discarding that ponderous mass of antiquarian and philological notes, and that interminable array of citations, which have made the name of Shakspeare's commentators a byword, and which ended in swelling out the last *variorum* editions of his works to the bulk of twenty-one thick volumes. In the second place, they agree in condemning the received text of the poet as in many places erroneous, and as every where made up on false principles: they alike profess to have improved the text, and to have improved it in the same way. But beyond these, and a few other points of likeness, there is between the editors a very wide dissimilarity. It is gratifying, however, to find that each of them has done service for which the students of the poet's works are bound to entertain lasting gratitude: it would be disappointing to discover that either of two men, who have otherwise deserved so well of letters, had proved quite incompetent to the task of editing Shakspeare.

The systematic and business-like description given by Mr Collier himself, communicates a very accurate notion of the nature and extent, while it in no small degree anticipates the tone and character, of the illustrative matter which his edition contains. His strength lies in antiquarian research, not in critical specula-

tion. Every thing is effected by him which can be effected by unwearied industry and patience in research, by accuracy almost impeccable in recording observed facts, and by extreme caution of judgment in estimating consequences. But, even when he ventures to infer, his caution is greatly in excess: he has a horror of novelty—a horror yet more lively of theorizing: even in determining questions of historical fact, (the ground on which he justly feels himself most at home,) he very seldom travels beyond the particular circumstance or its immediate relations; and, thus dealing with details each for itself, he neither forms nor expresses any systematic or consistent generalization. The value of his labours, even in his own favourite field, consists more in the materials he has collected, than in the use he has made of them.

But those materials do possess a value which it is not easy to estimate too highly. They affect equally the state of the text, and the history of the poet's life. Of his collation of the old editions we shall have occasion to say something hereafter; but we are unwilling to defer expressing cordially our sense of the merit possessed by that collation, and by the editor's patient record of its results. In the matter furnished by his Life of the poet, there is something that is quite new, and very much that, though anticipated, has been anticipated only by the writer himself, in publications which have scarcely been known beyond the narrow circle formed by the systematic students of the old English drama. But here, too, he occupies a position which is whimsically rare in the annals of research. He has been, and is to this day, more reluctant than any other man to draw inferences, or to admit the soundness of inferences drawn by others, from the facts which he has himself had the undivided honour of discovering. The Life, however, when compared with some of the author's earliest writings, does exhibit such symptoms of progress in his opinions, that we are not without hopes he may one day enjoy the satisfaction of rating, nearly at their full value, the results of his own antiquarian investigations.

That Life, and the prefixed History of the Early Stage, are the only treatises of considerable length which Mr Collier's volumes contain. His foot-notes are laconic, often laconic to excess; for even in that task of tracing the bibliographical history of the text, which he has performed so meritoriously, his microscopic way of taking up the readings, and of recording the variations, makes it not unfrequently difficult or impossible for the reader to gather that comprehension of the complex fact, which could easily have been furnished by a few sentences of continuous narrative. The Introductions prefixed to each play are strictly historical and bibliographical. We should therefore be spared the duty of

saying, that we think the writer deficient in qualifications for the higher offices of criticism, were it not that his shortcomings in this quarter operate unfavourably, both on his decisions as to conflicting readings, and on his conjectures as to the history of not a few of the dramas.

Mr Knight's Second Edition differs from his First in external form, especially in wanting the more fanciful of the beautiful wood-engravings. The matter of the two editions is alike in almost every thing, except that the second (besides making certain omissions) has improved upon the first in a few of the minor readings, and of the notes relating to them. The editor's plan is very much more comprehensive and ambitious than Mr Collier's. To each play (except some which are taken in groups) there is prefixed an Introductory Notice, which embraces the following topics in succession :—an account of the 'State of the Text, and Chronology,' a topic leading, in several instances, to much interesting disquisition ;—a notice of the known or supposed 'Source of the Plot,' sometimes introducing elaborate illustrations of the manner in which the poet has used his materials ;—and an antiquarian paper on the 'Costumes.' The foot-notes in the course of each play are usually brief, and are almost all confined to explanations of the sense, or to questions of various readings. To each act are commonly annexed 'Illustrations,' which, according to the subject, are historical, topographical, or miscellaneous. Each play (or group of plays) is followed by a 'Supplementary Notice,' which is the editor's field for the higher kind of criticism, and in which he has introduced much speculation of his own, with much quoted from others. In the first edition, the plays and poems are followed by a volume devoted to an elaborate biography of the poet. An eighth or supplemental volume of that edition exhibits much curious matter not given by any other editor. It contains four of the plays of doubtful authorship, printed at full length, (Titus Andronicus, Pericles, The Two Noble Kinsmen, and the Yorkshire Tragedy ;) and to these it adds critical analyses and specimens of thirteen other plays that have been ascribed to the poet ; a 'History of Opinion' on his writings ; a separate treatise on the criticism of the poet in Germany ; a verbal index ; and an index to the characters of the plays. The second edition omits the Biography and The Two Noble Kinsmen, and also the Histories of Opinion and of German Criticism.

The very conception of a plan like this indicates a turn of mind very unlike Mr Collier's ; and views of the editorial functions very different from those which dictated the arrangements of his edition. The dissimilarity becomes yet more evident when

we examine the particulars of the execution, every part of which is due to Mr Knight himself, except the essays on costume, some of the illustrations of the acts, the paper on German criticism, and (presumably) the Indices. Mr Knight, indeed, is weakest in some points where Mr Collier is strong; and he is strong in those points in which Mr Collier is weakest. He is less of the antiquary: he is infinitely more of the critic. He writes with excellent taste and warm enthusiasm: he has a just and lively sense of poetical beauty, and has studied the laws of poetical and dramatic art in a liberal and philosophical school. His manner of thinking is marked by great comprehensiveness of generalization. Not unfrequently, however, he is hasty and incautious: in endeavouring to establish a favourite theory, he is apt to overlook necessary modifications. His mind, likewise, instead of being, like that of his brother editor, too little open to new impressions, is considerably too much so: his imagination is apt to be dazzled by showy and unsubstantial hypotheses, which, once entertained, his characteristic ingenuity of speculation dresses up in a shape that might surprise even their original inventors. So, too, he is often seduced into diffuseness by that hearty love for his theme which is so pleasing a feature of all that he has done throughout the work. He forgets, like other gentlemen who ride spirited hobbies, that his readers (who act as running footmen by his side) will be wearied by long stages.

Mr Knight would suffer injustice at our hands were we not to add, that in the work before us his good qualities are displayed much more frequently than his faults; and that the illustrative apparatus of his editions possesses not only much value for its immediate purpose, but also literary merit of no mean order. This is especially true in regard to his critical disquisitions, some of which display good writing as well as successful speculation. We shall soon have an opportunity of directing attention more particularly to the results of this editor's researches into the history of some of the plays that appeared successively in several old editions—a section in the criticism of Shakspeare's works which must be more generally understood than hitherto, before the character of the poet's mind can be exactly appreciated; and a section in which Mr Knight may fairly be said to have been the first to comprehend the question rightly, and to value adequately the consequences to which its solution leads.

Reserving space for this and another topic, we are obliged to pass almost without remark the abundant matter for discussion which both of the editors present in regard to Shakspeare's life. Of Mr Knight's biography of the poet, we can only say, that its points of unlikeness to Mr Collier's are striking and numerous

enough to illustrate, as well as any thing in the whole series of volumes, the dissimilarity between the two minds. In those parts of it which relate immediately to the poet himself, it is speculative, critical, and not seldom imaginative. In the outline of the views which it expounds as to the main points in the poet's history, we conceive Mr Knight to be substantially right; and there is, as it seems to us, much good sense, as well as sagacity and ingenuity of conjecture, in the inferences which he draws from the facts. He has cordially and thankfully used and acknowledged Mr Collier's discoveries; and we are glad to observe that gentleman in his turn frankly owning the soundness and value of an acute deduction from the law of England, by which Mr Knight (who is no lawyer) has shamed the legal antiquaries. He has shown that the will of the poet, which contains no mention of his wife but the bequest to her of his 'second best bed,' and which has therefore been regarded as confirming the current belief of alienation or dislike, does not warrant any such deduction; since, all Shakspeare's estates but one being freehold, his widow would, without bequest, 'be entitled to dower.' 'When,' observes Mr Collier, 'the explanation is once given, it seems so easy that we 'wonder it was never before mentioned; but, like many discoveries 'of different kinds, it is not less simple than important, and it is 'just that Mr Knight has full credit for it.' While, however, we are anxious to do justice to that which we hold to be really valuable in 'William Shakspere, a Biography,' we are afraid our opinion of it as a whole would not be quite satisfactory to the writer. It is, in particular, much too bulky, and much too discursive. The nature of the plan on which it is constructed, aiming at illustrating the poet's times as well as his personal history, is not only in itself of very doubtful merit, but has encouraged that tendency to diffuseness, which seems to us to be one of this writer's weak points; but which, in the other parts of his labours, he has kept more in check. We ourselves, indeed, sharers in the biographer's attachment to his subject, can accompany him with pleasure through all his devious enquiries; but we fear the work is not so well suited for most of its readers as it would be if it were reduced to less than half its size, by the curtailment of much of the speculation and description, and the total exclusion of some of the collateral topics.

Upon glancing at the particular questions raised, directly or indirectly, by the editions whose merits generally we have endeavoured to estimate, one is at first perplexed by the multitude and diversity of the materials. But there are reasons which determine us to reject many of those topics of discussion which might at other times have been preferred. For æsthetical specu-

lation, either on the genius of the poet or on the poetical and dramatic qualities of his works, an instructive occasion might have been furnished by several of those disquisitions, in which Mr Knight presents critical opinions and analyses of his own, or canvasses and illustrates the criticisms of others. We regret more at present, however, that it is impossible to take up a specific class of enquiries, upon which, likewise, he has in several instances entered with zeal and success, but which would admit of being elucidated yet further than they have been by him or by any other critic. We allude to those enquiries into the relation of Shakspeare's works to the histories, novels, or older plays on which they are founded, to which we have already alluded as having recently been recommended particularly to public attention. No study can be better fitted than this for leading to a just appreciation of the poet's genius, and to a competent apprehension of the laws of dramatic and poetical invention. But any illustration of these questions that could here be offered, must either be unsatisfactorily meagre, or encroach too far upon matter which seems to us, in the present state of Shakspearian criticism, to possess more pressing claims to notice.

We pass, therefore, to two matters of enquiry, which are alike important for our estimate of the poet's genius, and for the formation of an opinion upon the merits of the editions now before us. The first of these embraces the history of Shakspeare's text, the laws according to which it should be regulated, and the merits or demerits of the editors in its adjustment. The second deals with the history of those dramas which we possess in successive editions, so dissimilar as to have led some to assert that they had been re-written by the poet. A few preliminary remarks will introduce us to the former of these topics.

It is easy to perceive the bearing which the principles regulating the settlement of the text have upon the merits of editions which profess to improve the text: nor is it difficult to see how these editions must likewise be affected by the principles which are assumed in regard to plays existing in different forms. The bearing of these questions on the poet himself depends on the fact—that the solution of them involves an investigation, not merely into the history of the publication of his works, but into the principles which may have directed his process of composition. We cannot attain to satisfactory conclusions on these heads till we have obtained an answer to the question—Whether, or in what sense, if in any, it is true that Shakspeare was a careless and hasty writer? The venerable creed which assures us that he was systematically careless and hasty, has now, perhaps,

but few votaries who subscribe to it without some reservation; while many have avowed a bold and uncompromising dissent from the whole system, of which the belief in his carelessness is a part. But it may be that the deniers are as far wrong as the believers. In literary criticism. not less than in graver things, the spirit which impugns received opinions is apt, like vaulting ambition, to overleap itself, and fall on the other side. Truth is seldom attained till after a second effort, which brings the party back into a position considerably nearer to the starting-point. The history of the criticism of the great poet is abundant in examples of gaining possession of truth, through a succession of opposite errors. The first-fruits of that system of philosophical criticism which has already wrought so much good, and is destined to work so much more, have not by any means been purely healthful: and, in particular, not merely has there been introduced, into the tone of feeling in regard to Shakspeare, an exaggerated and unreal warmth; but there have arisen positive errors of fact as to his process of writing, which are already on the wane, and which nothing can be more effectual in removing than a close and specific study of accessible materials, enabling us to trace, in several interesting instances, the principal steps by which his works were brought to perfect maturity. The facts which those materials entitle us to assert are briefly these: —that several of Shakspeare's dramas were subjected by him to a process of alteration, which is not adequately described unless we call it re-writing; and that several others, though not changed so materially, received from his hand verbal corrections so numerous, so careful, and so characteristic, as to be even a more unequivocal proof than re-writing would have been, of modest, thoughtful, patient industry.

The evidence of these facts is furnished by those original editions of the poet's Dramas which stand to us in the place of manuscripts; and its force cannot be estimated until, by an exact scrutiny, we have ascertained their character, and determined what faith is due to their texts. Now, two serious charges have been brought against them. They have been charged with wilful falsification in particular places, and with gross typographical inaccuracy throughout.

The first of these charges is mainly directed against the Players. These persons, the owners of the manuscripts, are said to have corrupted them by changes, chiefly of interpolation, calculated to fit the plays better for a coarse and uninstructed audience. A belief in the existence of such corruptions has willingly been cherished by men of peculiar delicacy of taste or of moral sensibility. Such readers, from Pope to Words-

worth, have eagerly sought to save themselves, by the aid of this hypothesis, from the pain of attributing to a great and high-minded poet things which appeared to them tasteless, undignified, or immoral. But their creed has never, unless by Pope alone, been allowed to influence editors in their formation of a text: even those who entertained the opinion have contented themselves with recording it in prefaces or notes; and it may now very safely be assumed that no editor will again take it up.

The accusation appears highly improbable, even independently of any scrutiny of the early editions. It is almost conclusively disproved by what we know as to the position of the poet himself. If interpolation took place, who were the interpolators, or the prompters of the interpolation? The players of the company to which belonged the manuscripts and the right of acting the plays? Why, Shakspeare himself was one of the leading persons in that company, one of the largest owners of the joint property. If any changes were to be made upon the plays, he, the author and still a joint-proprietor, was the person who would most naturally make those changes. Indeed, for alterations made during his lifetime, it seems impossible to frame any probable supposition contradictory of his responsibility. Now, the editions published while he was alive, show in abundance passages of all the kinds that have given rise to the charge of wilful interpolation by the players; and if these passages were his, the faulty character is no reason for attributing to any one but the author himself, such passages of the sort as are found in the works not published till six or seven years after his death. The amount of the evidence to the same effect furnished by a specific examination of the editions, we may be better able to estimate hereafter.

For almost every thing, in short, that is thought to be grossly faulty in his works, not less than for all in them that is superlatively excellent, the poet himself must stand solely accountable. His are alike the quibbles which we all discover in the gay scenes, and the overworked emphasis which some believe to deform certain parts of the tragic;—his are alike the tendency to cold conceit in some imaginative passages of the dialogue, and the coarseness and want of reverence which sometimes hold the place of humour, or which alloy humour that is genuine. Shakspeare himself must be judged for these things, just as for the mechanical irregularity of his plots, or the pervading anti-classicism of his dramatic theory.

The second of the Counts in the Indictment against the old editions rests upon a foundation much more solid. Indeed, were it not substantially just, the settlement of Shakspeare's text would not be impeded by any difficulty worth naming.

Minor inaccuracies in printing are common to all English works which came from the press in that age. But the dramatic works then printed are supereminently inaccurate. While verse is more difficult to print correctly than prose, dramatic compositions, especially such as mix prose with verse, possess liabilities to typographical mistakes not shared by any other works. And the class of works thus requiring particular closeness of superintendence, may be said to have enjoyed no superintendence whatever. In the printing-houses from which such productions issued, professional and systematic correction of the press was evidently unknown; and there is no reason for believing any dramatist of those times to have personally superintended the printing of works, unless Mr Gifford be right in supposing that Ben Jonson so superintended his own folio of 1616. Many editions of plays then published, indeed, were piratical; but these are not always the worst printed.

Accordingly, in ascertaining the genuine text from the early editions, the editors of the old English drama have had to perform a task calling for greater learning, caution, and skill, and resembling more nearly the office of editing classical authors from manuscripts, than that which has been imposed on the editors of any other ancient works in our language. It must, however, be noted, that from errors merely typographical Shakspeare's dramas have suffered less than most of the dramatic works belonging to his time; and that these errors are neither numerous enough, nor heinous enough, to destroy our confidence in the early editions, as presenting on the whole a faithful transcript of the poet's thoughts and language.

But the obstacles which the typographical blunders raised, were formidable enough to baffle persons who, like the editors of Shakspeare in the eighteenth century, laboured under special disqualifications for the duty of settling his text. They failed to understand in the old copies much that has now (in a considerable degree, indeed, through the materials accumulated by those very editors) been made generally plain; and when they did not understand a difficult or corrupted passage, the more modest of them made it obscure to others by cumbrous annotations, while the more adventurous expunged or metamorphosed it on the authority of their own conjectures. The acme of boldness in conjectural emendation was reached by George Steevens, in his edition of 1793, the first which he exclusively superintended. In the 'Adver-'tisement' prefixed to that edition, Steevens announces quite explicitly the rules upon which he was to act. He there avows that he believes himself to be approaching instead of quitting the genuine text of Shakspeare, when he deviates from the text of the old

editions;—rejecting readings there given by piratical publishers or ignorant players, in favour of corrections suggested by 'a 'Warburton, a Johnson, a Farmer, a Tyrwhitt,' and (as he might have added) in favour of corrections much less scrupulous, suggested by the fantastic ingenuity of 'a Steevens.' It is time, he says, that a well-qualified editor of the poet should be left 'at liberty to restore some apparent meaning to his corrupted 'lines, and a decent flow to his obstructed versification.' The prerogative thus claimed, of determining, in contradiction to any or all of the ancient copies, what the poet really meant to say, is exercised by the eccentric editor to an extent hardly to be believed by those who have not had an opportunity of comparing his text with a purer one. He corrects freely and frequently words or phrases which he thinks unintelligible; he expunges not very seldom passages which in his judgment are superfluous. But his most numerous experiments are designed for amending the versification. By new divisions of the lines—by compounding a text from several old editions—by avowedly and very frequently undertaking 'the expulsion of useless and supernume-'rary syllables, and an occasional supply of such as might fortui-'tously have been admitted,'—he does all in his power to make Hamlet and Desdemona speak in the measured language of 'Cato' and the 'Fair Penitent'—to make the doublet and hose of Elizabeth's reign give way to the laced coat and 'tights' of the court of Queen Anne. Steevens himself says, that the restoration of the old readings to Shakspeare would be just like stripping Sly of his lord's finery, and reclothing him in his tinker's rags. But the parallel is exact in a sense not contemplated by him who used it. For the rags were the only dress to which Sly had a right; and so, even though the phraseology and metre of the eighteenth century should be admitted to be superior to those which prevailed in the beginning of the seventeenth, yet the works of a poet who lived in the older period, would be much falsified by being clothed in the garb of the more recent. The text an editor is bound to give is what his author actually wrote; not what, if he had lived in another age, he might perhaps have written.

The corruptions introduced by Steevens are important for this reason—that his text is the standard one down to the present day. An occasional correction of an obvious error, and an infrequent adoption of an older reading of a difficult passage, are the only exceptions to the obedience rendered to it even in the most careful of the ordinary editions—such as those of Harness and Singer. No editor but Malone systematically opposed the authority of his old coadjutor; and Malone's posthumous

edition, published in 1821, does come much nearer to the genuine text than any other preceding those which are now before us. But even he left very much to be done. He possessed neither the patient accuracy required for a full collation of the old copies, nor the comprehensiveness and sagacity of judgment which might in some measure have made amends for the other defect. And, besides, except in one edition of no critical pretensions, hardly any use had till now been made of his latest collations and corrections.

Mr Knight and Mr Collier, in their new attempts at adjusting the poet's text, agree in holding as the first law to be obeyed, that which ought always to be so recognised. The one is not less firm than the other in professing fidelity to the ancient copies—in protesting against the adoption of conjectural amendments, unless where the old text is manifestly and hopelessly corrupt. The two, indeed, differ not inconsiderably, both in deducing corollaries from this fundamental law, and in applying the law and the corollaries to particular cases. Some of the most distinctive of these differences will call for notice immediately. In the mean time we have to ask, whether the editors have in all instances understood aright the genuine import and just extent of the law itself. The main question is, whether they have given due effect to the fact, that the old editions contain very many typographical errors.

It has been asserted by a competent critic, that both of them have erred in this particular. Mr Dyce's volume of 'Remarks' on the two editions, is a collection of observations on their readings of particular passages. In a large proportion of these his purpose is to show, that the editors have often forgotten to subject their law to its just limitations; that they have recognised as parts of the genuine text many readings which are merely misprints of the old editions; and that thus they have not only retained errors which their predecessors had left uncorrected, but have reinstated errors that had previously been expelled from the text. He has many faults of this kind to find with Mr Knight; but the brunt of his censure falls upon Mr Collier, in regard to whom, throughout the volume, he expresses himself in a tone of captious petulance, not deserved either by the nature of the offence, the character of the offender, or the authority of the judge. But the matter of the 'Remarks' is much better than the manner. They abound in good sense, knowledge, and shrewdness. In very many places, the critic is clearly right in asserting the old reading to be a mere blunder of the copyist or printer: he is often exceedingly successful in pointing out the source of the mistake, and the way to correct it. We do not

indeed think, with him, that 'Shakspeare has suffered greatly 'from both editors:' in regard to both of them, our opinion is quite the reverse. But we do think, that the one, as well as the other, would act wisely in removing a good many little blots which their severe observer has laid bare.

Not a few of these are mere oversights in monosyllables and other accessory words—mistakes not less liable to escape the notice of successive editors, than they were to insinuate themselves into the text when first printed. In other cases, the old misprints are adopted, by one of the editors or by both, after deliberate consideration of reasons assigned.

One of the most whimsical of these sacrifices to the manes of the early printers, occurs in the second scene of the Tempest. Prospero, relating the story of his brother's treachery, tells how himself and his daughter, with provisions, clothes, and books from his library, were set adrift in

> 'A rotten carcass of a *boat*, not rigged,
> Nor tackle, sail, nor mast: the very rats
> Instinctively have quit it.'

So have hitherto read all modern editors, beginning with Rowe: but not so Mr Knight or Mr Collier. Unluckily for them, 'every ancient edition' stows the passengers and cargo, not into a 'boat,' but into a '*butt*;'—whether a wine-butt or not, may, as one of our editors gravely observes, be reasonably questioned. Accordingly, that which must have been the word originally written, is displaced to make room for that which is plainly a careless mistake of the printer.*

Another example is not less amusing. Every one is familiar with the quaintly beautiful dirge sung in the fifth act of 'Much Ado About Nothing.' If there be some obscurity in the close, the effect is only to increase the dim solemnity of the image. But it provokingly happens that, in the folios, the wailing burden, 'Heavily! heavily!' though given correctly the first time it occurs, is misprinted the second time, 'Heavenly! heavenly!' Catching at the shadow of a clearer meaning, Mr Collier, though he wisely refrains from restoring the old reading, says that it 'may be right;' and Mr Knight, reinstating it, defends it by an inapplicable scriptural explanation.

* Mr Knight perhaps may be believed to have read his recantation of this error. For the ordinary reading is given in an extract from this play, appended to one of Lamb's Tales from Shakspeare, in 'Knight's Weekly Volume for All Readers.'

In another restoration of the antique, not commented on by Mr Dyce, one of the editors stands alone. In the opening speech of 'Twelfth Night,' the modern readers of the poet have to thank the taste and fancy of Pope for the romantic image of 'the sweet *south*, that breathes upon a bank of violets.' All the old copies read, 'the sweet *sound;*' and this reading is restored by Mr Knight, and accompanied by a note, in which he assigns (as we think) good reasons why the modern correction ought not to have been disturbed. Mr Collier is certainly right in thinking that 'sound' is a likely misprint for 'south;' and the former reading is not only less poetical than the other, but in its sense, scarcely coherent.

It is satisfactory to say, that there are few places in which either of the editors goes so far astray as in those now cited. But an examiner, bent on collecting matter for censure, might discover not a few judgments, pronounced by one or both of them, which, if not quite so ludicrous, are quite as perverse. Thus, in 'The Merchant of Venice,' (Act IV. scene 2,) Mr Knight defends, though he does not venture to introduce, the reading of all the old copies, 'Gilded timber [for *tombs*] do worms un-'fold.' Mr Collier, in 'Twelfth Night,' (Act II. scene 2,) actually restores the old 'lemon,' for the obvious reading, 'leman;' and in 'Antony and Cleopatra,' (Act IV. scene 6,) he deliberately follows 'all the folios' in inserting 'dissuade,' in a passage where the sense peremptorily requires the word 'persuade.' Mr Dyce's remark on this correction would apply to several others:—'If,' says he, 'the folios were forty instead 'of four, such a reading could not be right.'

There are several noted passages, in which, although there can be little doubt but the old readings are erroneous, it is more difficult to say positively what is the best way of amendment. Two such occur in 'Romeo and Juliet.' In the earlier of the two, Montague speaks, according to the common text, of

> '—the bud, bit with an envious worm,
> Ere he can spread his sweet leaves to the air,
> Or dedicate his beauty to the *sun*.'

But all the old editions which contain the line, read 'same' for 'sun;' and Mr Collier, without giving notice or assigning reasons, restores this tame and feeble reading. The received reading, first suggested by Theobald, is preserved by Mr Knight, who observes, that 'we could scarcely wish to restore the old 'reading, even if the probability of a typographical error, *same* 'for *sunne*, were not so obvious.' In the masquerade scene, again, we owe to no higher source than the folio of 1632, (an edition of very small authority,) the feature which gives elevation

and completeness of imagery to the line, 'Her beauty hangs upon 'the cheek of night.' The older copies read, coldly and vaguely, '*It seems she* hangs upon the cheek of night.' And here, again, the two editors differ. Mr Collier, restoring the oldest reading, congratulates himself on adhering 'to the authentic and perfect-'ly intelligible text, as contained in every impression during the 'author's life.' Mr Knight, on the other hand, adopts the more modern text, on account of the universal currency it has obtained.

In cases like these, an appeal usually lies to common sense or good taste against the authority of all old editions. Every such edition contains errors of the printer or the copyist, which it is equally easy to detect and to amend; and therefore, when persons duly qualified to interpret encounter grave difficulties in certain other passages, they are often entitled to refer those difficulties confidently to the same cause, and to aim at solving them by a process founded upon that assumption. But there remain behind questions which it is not so easy to answer, and which call for a closer inquisition into the state and history of the old editions.

Shakspeare died upon the twenty-third day of April 1616. The first collected edition of his dramas was the folio which appeared in 1623. That edition contains all the plays (except Pericles) which are printed as his in the common editions of modern times. The number contained in the folio is thus thirty-six; and eighteen of these had not, in as far as we hitherto know, been ever printed in any shape till their appearance in that edition. The plays thus published for the first time by the folio, were the following:—in the first place, nine, which the editors classed as comedies—The Tempest, the Two Gentlemen of Verona, Measure for Measure, the Comedy of Errors, As You Like It, the Taming of the Shrew, All's Well that Ends Well, Twelfth Night, and the Winter's Tale; secondly, three, described by them as histories—King John, Henry VI. Part First, and Henry VIII.; and thirdly, six, which they call tragedies—Timon of Athens, Coriolanus, Julius Cæsar, Antony and Cleopatra, Macbeth, and Cymbeline. A second edition in folio, containing the same thirty-six plays which had been published in the first, appeared in 1632. A third folio, published in 1664, gave forty-three plays as Shakspeare's, inserting not only all those of the first and second editions, but also Pericles, and six others which, in modern times, have always been most deservedly rejected. The fourth edition, that of 1685, containing the same plays as the third, was the last of the folios, and also the last of those ancient

editions which made no claim to be considered as critical. The next was Rowe's of 1709, the earliest in that series of modern editions which has worked at once so much good and so much evil.

In the second, third, and fourth of these folios, the text becomes more and more corrupt. The third and fourth, mere careless reprints, are not in the slightest degree authoritative. Even the second is useful only for its correction of a few typographical errors: otherwise it wilfully vitiates the text of the first, particularly by modernizing the phraseology, and endeavouring to smooth the versification.

For the eighteen plays above enumerated, the folio of 1623 is the sole foundation of the text. It is at once the earliest and the latest authority. Nor is the authority liable to any serious disqualification.

We can scarcely indeed allow, even with a very wide understanding of the saving clause, the justice of Mr Knight's assertion, that 'perhaps, all things considered, there never was a book 'so correctly printed as the first *folio* of Shakspeare.' But there can be no reason for refusing to acquiesce in Mr Collier's more sober commendation of the *folio*, as 'more correctly printed than 'any other dramatic production of the time.' Typographical errors the first *folio* does present, and these not few; but it does not happen in many places that the errors are difficult either of detection or of amendment.

Again, it must be held that the manuscripts from which those eighteen plays were printed, were genuine copies. When difficulties occur which seemingly are not attributable to errors in the printing, the prerogative of conjectural emendation must not be exercised unless within the very narrowest limits. Indeed, excepting typographical errors, there is scarcely any emergency possible in the particular case in which conjectural alteration can safely be permitted. There are, doubtless, certain possible or probable causes of depravation, the existence of which we may infer both from the nature of the thing, and from what we know to have taken place in regard to those other plays which had been printed before the folio. It may, for example, be suspected that some faults have arisen from mistakes of the copyist; because it is improbable that the original manuscripts of the poet, (some of which must have been at least thirty years old at the first printing,) should so long have survived in the closet of the players; and because we know, or can infer with all but positive certainty, that from copies made for the uses of the theatre, some of the other plays were actually printed. In a few such instances, cautious correction may not be unlawful. It may not be improbable, likewise, that the original manuscripts of some

of the eighteen plays really contained passages which the folio omits; because we know this to have occurred in regard to some of the plays not printed for the first time in the folio. In regard to the eighteen plays, however, we want the means, not merely of supplying such deficiencies, but even of conjecturing peremptorily whether and where they may have happened. It may be possible, or not improbable, too, that in the manuscripts from which the eighteen plays were printed, there had been made, before the printing, but not by the poet himself, slight alterations in words or phrases; because there is good reason for believing that some such alterations, not by the author, were made on the plays not first printed in the folio. But even if these alterations could be supposed more numerous and important than there is any likelihood of their having been,—yet, for the eighteen plays, we have in few places materials enabling us to pronounce positively that they have occurred, and nowhere means sufficient for authorizing us to attempt their correction.

Accordingly, in regard to those eighteen plays, the limits of diversity between different editors, acting faithfully by the first *folio*, are very narrow indeed. And we cannot say, from our examination of these plays, that Mr Knight's text of them, and Mr Collier's, differ in any point of real importance; although we have noted a good many matters of little consequence, in which we are disposed to dissent from one or both of them. It is impossible, however, not to concur with them in the most important deviations they make (in some of the plays very frequently indeed) from the text which Steevens has imparted to the current editions. Of the cool indifference to the old text with which this self-confident editor proceeds, it may be useful to give one or two examples. In the third scene of 'As You Like It,' in answer to Rosalind's question, 'Why, whither shall we go?' Celia answers, 'To seek my uncle *in the forest of Arden;*' but Steevens strikes out the latter half of the answer, because, as he says, 'we have already been informed by Charles the wrestler, that 'the banished duke's residence was in the forest of Arden.' In like manner, Timon, in the fourth act, giving the gold to his steward, exhorts him to be cruel to men, and, amongst his other cruelties, to 'let debts wither them *to nothing.*' Steevens tells us that he has 'omitted the redundant words, not only for 'the sake of the metre, but *because they are worthless.*' For the sake of the metre, indeed, it is, that his most audacious and most frequent interpolations and mutilations are perpetrated.

It must be remarked, however, that there is a considerable inequality in the correctness of the folio. It does not always happen that even different parts of the same play are given with equal accuracy. It is of more consequence to observe, that, of the

eighteen plays now in question, some are printed throughout much more correctly than others, in respect as well of the sense as of the metre;—a diversity of which it is not always possible to discover the causes, but which, in several of the plays, appears to indicate clearly a dissimilarity in the nature and merit of the copies printed from. There are, however, none of these plays in which the text may not be satisfactorily made up, by a close adherence to the folio in all but palpable errors of the press. On several of them Steevens himself has laid his hand very sparingly. But in others, the state of the text or the style of the work holds out greater difficulties; and some of these have been a good deal alloyed in the current editions. Some examples may be cited. In the 'Comedy of Errors' the folio contains many blunders; but the greater number of these are plainly typographical, and by no means difficult to extirpate. 'Measure for Measure,' written in a style peculiarly involved and reflective, while its versification has a loose and colloquial character, has tempted the commentators to propose changes on not a few passages which, though obscure, are probably given by the folio nearly or altogether as the poet wrote them. The 'Winter's Tale' and 'Cymbeline' have, though in a less degree, experienced the same fate. In Coriolanus, where the text of the folio is very accurate in regard to the words, the beginnings and endings of the verses are often very incorrectly distributed:—a circumstance which, making a new division necessary, has encouraged the editors in their system of pruning and engrafting. But, of all the plays in this list, 'Timon' is that on which Steevens has experimented most boldly. The sense, indeed, hardly any where presents serious difficulties; but the versification, besides being distributed very carelessly by the printers of the folio, is in itself so irregular and unequal, that probably no modern arrangement of it will ever be quite free from grounds of exception. In the editions before us, the words of the old text of Timon are restored with praiseworthy care and fidelity; but, in the metrical arrangement, it seems to us that Mr Knight, in leaving many verses redundant and many defective, has acted more judiciously than Mr Collier, who, in a large majority of the difficult passages, has substantially adopted the stiff and monotonous distribution of Steevens and his disciples.

So much for the plays which appeared for the first time in the *folio* of 1623. We pass to the examination of those that were not in that predicament. They amount to exactly the same number as the former class. Of the thirty-six plays inserted in the *folio,* eighteen had been published separately, in *quarto,* before they were collected in that edition. By far the most difficult part, in the task of adjusting the poet's text, is caused by the dis-

crepancies that exist between the successive editions of these eighteen dramas. In none whatever are the discrepancies so slight, that an editor can refrain from adjudging on them, or a critical student from taking cognisance of their existence, as a fact to be accounted for in the history of the poet's works. In several of the plays, indeed, the differences are no more than verbal; but in others they affect deeply the structure of the work.

How, then, are these discrepancies to be dealt with? Or how have editors been accustomed to deal with them? An editor may hold all the successive editions of the same play as equally authoritative; and he may, in each particular passage, select from the several editions, or make up by a collection from more than one, the reading which his own taste and judgment prefer. This, the easiest rule of adjustment, is the rule which has most frequently been followed. Or, again, a general law of preference may be laid down. On one alternative, the oldest edition may always be held preferable—a rule not unsupported by plausible reasons, but truly conclusive in respect of typographical errors only, which, in the absence of exact revision, accumulate like snowballs. The presumption which has been raised in favour of the older editions because printed during the poet's lifetime, has, in the circumstances, hardly force enough to determine a single disputed reading. On the other alternative, reasons still more plausible may be assigned for following the more recent of the authoritative editions in preference to the more ancient —the folio of 1623 in preference to the quartos. For our own part we have no hesitation in thinking, that this is the only general rule which is in any extensive sense applicable. The assumption of principles involving a presumption in favour of the folio, is the first step towards the formation of a just and consistent theory as to the process by which Shakspeare's works were elaborated. But further than an initial presumption, the rule, as it seems to us, does not go; and when we come to treat particular cases, the presumption is so often rebutted by positive proof, that its effect in settling difficult passages of the text is much less than one would expect to find it. Although, in short, we cannot understand the history of any of the poet's works as a whole, unless we begin the scrutiny by assuming that the folio records his last thoughts in regard to them, yet we shall often misunderstand that history, unless we consent to believe that in many of its parts the record is materially falsified.

In settling the text of the eighteen plays which the folio did not publish for the first time, the legitimate prerogative of the editor lies chiefly, as we venture to think, in determining where to hold by the general presumption, and where to let in the particular exceptions. The path to be pursued is winding and en-

tangled; and upon some of its recesses it is probable that no full light will ever be thrown; but it is not impossible to gain a position from which we may reconnoitre its chief bearings. We take the first step towards that position, by ascertaining in what circumstances, and with what aids, the dramas in question appeared in the *folio* of 1623.

The editors of that edition, John Heminge and Henry Condell, were affectionately remembered in Shakspeare's will. They were, like Burbage, whose name is joined with theirs, fellow-actors of the poet. They were leading performers and sharers in the company of the King's Players, usually playing at the Globe and Blackfriars Theatres. In publishing the dramatic works of their dead friend, they clearly acted as representatives of the Company, and had the use of all advantages which the Company possessed. Nor were these advantages small. In those days dramas were written literally for the stage: printing was not contemplated, in the first instance at least. The authors, (most of whom were poor men, like Jonson and Massinger—or players, like Shakspeare,) either wrote a play to order, or sold it to a theatre as soon as written; and, while a play was new and popular, the theatrical company to which it belonged secured the monopoly of representation by keeping it unprinted. Eighteen of Shakspeare's plays had, as we have seen, been so kept back from the press till 1623. Of these eighteen the players of the King's Company were the lawful owners; they had, beyond doubt, exclusive possession of the manuscripts of those plays, in whatever shape these might till then have been preserved. They may be said to have possessed equal advantages for the publication of four of the plays which had already been published separately; namely, the 'Merry Wives of Windsor,' 'Henry V.,' and 'Henry VI.,' Parts Second and Third. For the only editions of these which had previously appeared, presented them in a state so incomplete, and so different from that in which the folio gives them, that its editors must plainly have derived no assistance from those preceding editions. Two other plays, Hamlet, and Romeo and Juliet, had likewise been published imperfectly; but the defective editions had already been superseded by complete ones; so that these two works do not, in reference to the foundation of the text, stand in the same category with the four named before them. We shall afterwards, however, have to ask, for a different purpose, in what light we ought to regard the incomplete editions of all the six plays that have last been named.

In the mean time we have learned, that, of the thirty-six plays contained in the *folio*, there are twenty-two which the editors must have printed from copies of their own; because there had

not been printed a complete edition of any of these. There are fourteen others, of which, when the folio was published, there existed, in quarto, editions deserving on the whole to be considered as genuine and complete copies.

Of the *quarto* editions of these fourteen plays, the editors were evidently desirous to procure the undisputed use; for, as Mr Knight has shown, they endeavoured to purchase the interest of the publishers or proprietors of those editions, by admitting them as co-proprietors of the folio. The player-editors thus obtain right to seven of these fourteen quartos: Richard II., Henry IV., Parts First and Second, Richard III., Love's Labour Lost, Much Ado About Nothing, and Romeo and Juliet. There is no evidence of their having acquired any legal right to the quartos of the other seven plays: The Merchant of Venice, A Midsummer Night's Dream, Troilus and Cressida, Titus Andronicus, Hamlet, Lear, and Othello. It will be noted, however, that the King's Players were the performers of all the fourteen plays. We learn the fact through direct evidence as to every one of them except the First Part of Henry IV.; and of it their performance might, without rashness, be inferred, from the proved fact of their performing the Second Part. For all the fourteen plays, then, the editors possessed the playhouse copies; for printing seven of them, they were lawfully entitled to use the editions previously printed in quarto; and they did make use, not only of these seven quartos, but also of the first four of the seven others, to which we do not know them to have had any right.

For eleven plays of the fourteen, then, a quarto edition was in each case not merely made (with certain exceptions) the foundation of the text, but was literally used as the printer's copy. But in none of the eleven plays does the folio exactly represent the quarto from which it was printed. It exhibits in every play alterations, in some plays additions, in others omissions, in others additions as well as omissions. The bibliographical history of these eleven plays may fairly be said to owe its completion to Mr Collier. He has not only made and recorded a full collation of the several editions, but has also (in those plays which were printed oftener than once in quarto) been able to identify convincingly, by the repetition of errors and other peculiarities, the very edition from which the types of every such play were set up by the printers of the folio. It is, indeed, by his curiously minute record of variations for these eleven plays printed from quartos, and for the three others which the editors of the folio might have printed from quartos, but did not, that Mr Collier has rendered his chief service to the text of the poet. His opportunities of tracing the history of the editions have been such as no other editor ever enjoyed; he has used those opportunities with

his accustomed industry and exactness; and, whatever dissent one may enter against his decisions on particular readings, or against the principles on which his decisions generally are founded, any future editor of Shakspeare will much misapprehend his duty, if he attempts to settle the text of those fourteen plays without a sedulous study of this editor's elaborate collation.

As to the merits of the quartos in general, there are hardly more than one or two points that call for remark. In respect of typographical accuracy, no simple comparison can be instituted between them and the folio. The folio, as we have seen, is unequally printed: the quartos have great diversity of merit, some particulars of which will immediately be noted. In one department, however, the quartos are almost, without exception, grossly careless. They do no justice to the poet's versification. They print prose as verse, and verse as prose: when they arrange a speech as verse, they divide the lines with continual caprice and inconsistency. In these matters the folio has greatly the advantage of them; although this edition itself is by no means so exact in metrical arrangements that we should be required to repose implicit faith in it. The adjustment of the metre is a task in which every editor must be allowed to exercise discretion, and which none has hitherto executed in a manner that is quite unexceptionable. The tendency of the older editors (even when they refrained from corrupting the text for the sake of the versification) was towards an exactness alien to the age of the poet, and still more alien to his individual peculiarities: the tendency of the editors with whom we have here to do, is towards an unlimited license. Mr Knight, however, has the merit of being almost every where consistent in his metrical principles. His theory of Shakspeare's versification, likewise, is in the main sound, and founded on a close study of the poet's metrical progress; while his ear for dramatic verse is correct and sensitive, although trained by his devotion to the folio to be much too accommodating,—a fault tempting him sometimes to fancy that speeches were intended as verse, in which it would have been safer to recognise a modulated prose. As to Mr Collier, though in some places his metrical arrangement is preferable to Mr Knight's, we are frequently at a loss to understand by what principles he is guided. While he sometimes declares himself, and still oftener acts, as an opponent of the old-fashioned scheme of syllable-counting, there are not a few instances in which he falls back upon it; and many of his reasons for judgment on particular passages are alike inconsistent with each other, and irreconcilable with any just theory of English versification. In truth, one plain reason of his frequent failures is, his evident want of a good ear for the melody of verse. That he does labour under this deficiency will be

admitted by every one who, himself possessing the gift, shall learn, that Mr Collier approves, as metrically correct, each of the following lines:—

> 'Grow beneath their shoulders. These things to hear'—
> 'Well fitted in arts, glorious in arms'—
> 'From thy endless goodness and prosperous life'—
> 'To yond generation, you shall find'—

These are instances in which homage is paid to the arithmetical system of scanning. The system which rests on the emphasis, and according to which the versification of our old dramas should always be judged, Mr Collier alternately allows and rejects, in cases which, so far as we are competent to judge, present no imaginable difference.

In not a few instances, indeed, we are afraid Mr Collier's censures of irregularities, in the division of the verses, are prompted simply by a temporary access of a distemper with which he is occasionally afflicted. It might be described, though imperfectly, as the *folio-phobia*. It is not a terror of the folio in itself; but an abhorrence of particular parts of it which happen to have been previously patronised by Mr Knight. We advert to such things with reluctance; but we feel bound to protest against the intrusion, into comments on a great poet, of mistakes into which the editor has been tempted by a jealous spirit, and of remarks in which that spirit is unequivocally displayed. For the differences of opinion in regard to the versification are not the only examples. Mr Collier's report of his collation of the text is filled with laconic animadversions, which, it is true, are levelled only against 'modern editors,' or 'some modern editors,' but in which it would have been fairer to name the person attacked; since, while many of them are applicable to no editor but Mr Knight, there are many which do not apply to him, but which yet may be supposed so to apply, by those who have learned the true meaning of the others. In some of these remarks on the readings there are pointed out real oversights, which Mr Knight will do well to amend; but by far the greater number are reproofs of him for having omitted to note trifling discrepancies, of which indeed it is well there should be somewhere an accurate record, but which Mr Knight had avowed it to be no part of his plan to register. Indeed—thanks to these little bits of typographical exaltation by Mr Collier, and to the censorship-general voluntarily undertaken by Mr Dyce—the publication of these editions has placed three men of literary merit in a position, which ludicrously resembles that of the combatants in the Triangular Duel described in a farcical novel. Mr Collier fires at Mr Knight; Mr Dyce fires at both; and Mr Knight, after having returned Mr Collier's first fire, has the manliness and

good sense to stand passive. But enough as to matters which it is unpleasant to dwell upon, and to which but few will attach any importance.

We have said that, in respect of metrical arrangements, the authority of the *folio*, although by no means infallible, is greatly preferable to that of the quartos. The metrical defects of the quartos, indeed, are among the most marked of those features which have concurred in raising the suspicion, that the quartos, or some of them, must have been printed from copies taken down from oral delivery on the stage or elsewhere.

There is another frequent point of discrepancy, in which the quartos are chiefly genuine, while the folio is not; but in which it is often far from desirable that the genuine reading should be restored. Between literature (especially the suspected literature of the Stage) and the self-denying spirit of Puritanism, there then subsisted interesting but shifting relations of contrariety. These, although never yet systematically investigated, have been incidentally treated by several writers; the most recent among whom is Mr Hunter, in the first part of his curious 'Illustrations 'of the Life, Studies, and Writings of Shakespeare,' where he traces the religious history of the poet's nearest descendants. In this place it is only necessary to observe, that of the moral objections urged against the dramatic literature of those times, profanity was the only one entertained by those who could interfere with effect. Some particulars of this offence fell within the scope of the statute of 1596, prohibiting on the stage the use of the names or attributes of the Holy Trinity. A comparison of plays printed before the passing of the act, with others printed after, shows that it was obeyed, but obeyed very carelessly and irregularly. The successive editions of Shakspeare's works furnish many examples. Equally incomplete were the results of the interference occasionally attempted, on the general ground of religious or moral propriety, by the Master of the Revels, who acted as the official licenser of plays. Indeed, in those days, as in our own, there was not a little caprice in the performance of the delicate duties belonging to that office. As, not many years ago, the metaphorical use of the word 'paradise' was denounced by the Lord Chamberlain's deputy as profane,—and as blasphemy was detected in the common-place hyperbole which declared that a sailor 'played the fiddle like an angel;'—so, two hundred years earlier, a grave discussion arose between Charles I. and his Master of the Revels, on the lawfulness of such exclamations as 'Faith! Death! Slight!' The inconsistent decisions were inconsistently obeyed in the first *folio* of Shakspeare, as in other play-books of the time. Sometimes the name of God is erased, and left unerased, in two passages of the same page. 'Zounds!

'blood!' and such phrases, are sometimes displaced and sometimes allowed to stand. We are disposed to think, with Mr Knight, that it is wisest to abstain from restoring such expressions; although the want of them sometimes hurts the metre, and in a very few instances weakens the representation of passion.

Besides the metrical and the moral discrepancies, there are no classes of deviations by the folio from the text of the quartos, that are not fertile in difficulties. It would, indeed, seem antecedently, that rules could easily be found. If the deviation is unintentional, it is, in other words, a blunder; and such blunders are oftenest typographical. Wherever the deviation can be clearly referred to this cause, the operation to be performed is a return to the older text, if that text presents no difficulty that cannot be overcome,—or a conjectural return to the author's own words, in those cases (comparatively rare) where the older reading itself is manifestly erroneous. If the deviation of the later edition from the earlier is intentional, the question really at issue is merely this—who made the alteration? The author's alterations, even if we should think them injudicious, must be received: alterations made by other persons must be rejected, even though they should appear to us to be really improvements. The comparative merit of the original text and of the alteration is no further important, than as it becomes an element (and doubtless a very valuable one) for the decision of the legitimate question.

In dealing with works of Shakspeare in which various readings occur, his editors, while professing different theories, or seeming to recognise no fixed theory at all, have yet universally acted as if some of the wilful alterations were the poet's own, and as if others were not his. For—as the most angry declaimers against the alleged interpolations of the players, have not scrupled to admit readings and passages which are wilful deviations by the folio from the preceding editions;—so the most zealous assertors of the value of the folio have been compelled, in some instances, to reject what it designedly gives, and to prefer readings of the quartos.

We have already hinted that this vacillation of procedure is rendered unavoidable by the state of the materials to be handled; —that, as we cannot help thinking, there does exist, in cases of wilful alteration, a presumption in favour of the folio—a presumption that the changes were made by the poet himself;—but that this presumption, founded on the external circumstances, is overthrown, in many places, by internal evidence not to be resisted, which proves other agency than that of the poet to have been at work in the task of alteration. But, although it is thus impossible to follow implicitly any one of the authorities, and although the text of every play, nay, the text of every discrepant passage,

is to be settled by an estimate of the particulars; yet the particulars will often be very differently estimated by an editor who proceeds from principles like those just laid down,—by another, who maintains the authority of the folio without admitting the just limitations,—by a third, who holds the rule (good for cases of misprint, but for no others) that the oldest edition is to be preferred to the newer,—and by a fourth, who declines to recognise, or has never thought of discovering, any law applicable at all to the whole class of cases.

It appears, from what has been said, that we agree with Mr Knight in holding that the authority of the folio is, in the first instance, to be preferred to that of the quartos. Indeed, the steadiness with which he has kept this law in view, has suggested to him several speculations which are extremely valuable accessions to our knowledge of the history of the poet's works, and which other editors have been prevented from reaching; chiefly by their non-recognition of the principles on which the presumptive authority of the folio is founded. But the bearer of the lamp is not the person to see best the objects on which its light falls. Mr Knight has unquestionably, in our apprehension at least, erred not seldom in the application of his own theory. He has sometimes under-estimated the qualifying circumstances; he has sometimes over-estimated the evidence by which the great fact is established.

The former fault he has often committed by carrying, into this particular part of the question, that blindness to ancient misprints which is common to him with Mr Collier. We cannot help believing, that not a few of the readings which (especially in Hamlet) he adopts from the folio, are merely blunders of a careless compositor, or wanton corrections made by a conceited one. Nor, again, can we always feel perfectly assured that some authority, hardly more trustworthy, is not to be thanked for those modernizings or smoothings of the phraseology, which are to be found among the alterations introduced by the folio. It is a circumstance leading to suspicion at least, that changes of these kinds, greatly further carried out, make up one large class of the corruptions which appeared for the first time in the folio of 1632. But, on the contrary, among such readings of the first folio, there are many so exceedingly apt and felicitous, that some of them have forced themselves even upon the older editors, and that it is difficult to attribute them to any hand but that of the poet himself. There are also a considerable number of passages, although none of much prominence or poetical value, the origin of which must always be doubtful.

We have said, too, that Mr Knight sometimes over-estimates

the evidence upon which the general preference due to the folio is founded. This is particularly the case in the opinions he has formed as to the plays (eight in all) in which the folio omits passages found in the quartos, or adds passages which the quartos do not give. He holds that, in regard to these omissions and additions, each of the editions represents correctly the work and intention of the author. Upon this assumption he rests several very ingenious disquisitions. He wisely, however, follows the rule of other editors, and inserts all such passages in his text. Even if it were more positively certain than it is, in any of the places, that the poet would himself have sanctioned the omissions, it is yet right and desirable that nothing of his should be lost; and, where all the passages of both editions are evidently the poet's own, and can stand without confusion or contradiction, the text is the proper place for all of them—due notice being given of the circumstances in which they are admitted. Therefore, for the settlement of the text, the question here adverted to is not directly important; but the principles by which it has to be decided exercise indirectly an influence upon other questions, materially and directly raised in the adjustment of the text.

We suspect the truth is simply this:—that in most of these instances, if not in all, the edition which omits obeys the stage-copy in use at the time; that therefore a passage, omitted by a quarto but inserted by the folio, may not nevertheless have been written by the poet after the printing of the quarto; and, further, that a passage given in the quartos and omitted in the folios, is not thus conclusively proved to have been marked by the poet for exclusion from his work.

But the additions made by the folio do not improbably stand on a different ground from its omissions. There are several difficulties in the way of the supposition, that the passages in question were omitted in the acting, and so came to be omitted in the printed quartos, but were still preserved in existence, and either held still in some sense to belong to the play, or else restored to their rank in it, so as to be entitled to being printed in the folio. There are difficulties, we say, in the way of this supposition; and yet there are difficulties in the way of the opposite belief. In some instances, such as the prologue to Troilus and Cressida, it can hardly be a matter of doubt that the passages omitted by the quartos did exist in the original manuscript. In regard to these passages, however, Mr Knight's opinion is far from being so improbable as it is in regard to the other class of passages, which the quartos give and the folio omits.

We may easily suppose that such passages were marked for omission in the playhouse manuscripts, because thought to

lengthen a play or scene too much, or to be otherwise ill fitted for the stage. The curtailments being once made, the printing of the plays in the curtailed shape was the most natural thing in the world, at a time when the proper functions of editorship were ill understood, and in a work whose nominal editors were not men of letters. In those plays which were printed from the playhouse manuscripts, (which were very probably not the poet's originals,) it is possible that the omitted passages never met the eye of the printers of the folio. In those other plays, for which the printed quartos were used as copy, the marking of the passages for omission in the acting, may have been held as a part of the printer's directions. But even if the poet himself was, as it is likely, a party to these curtailments, or the person by whom they were actually made, it would be rash to infer positively that, in making or consenting to them, he was guided by any consideration other than that of stage convenience and stage effect. It is possible—nay, it is not improbable—that if he had lived, as his editors wished, 'to have set forth and overseen his own 'writings,' he might have determined on presenting those expunged passages as still forming parts of his works. No doubt this suggestion opens the curious question, whether Shakspeare, who unquestionably wrote his plays immediately for the stage, not for the closet, must be believed to have never had in his mind the presentation of them to readers, and to have considered himself, in expunging passages from a play prepared for being acted, as rejecting such passages absolutely and finally from the work; or whether there really rested on his mind any notion of the distinction between the play as acted and the play as printed, any appeal from the theatre to the student's desk, such as that which has introduced the modern practice of printing a play entire as written, but indicating, by inverted commas, the passages omitted in the representation. The latter alternative is by no means so improbable as it might seem to any who are unfamiliar with the pains bestowed by the poet on his works. Some of the omissions, it is true, are such as might not unplausibly be attributed to the poet himself, exercising in maturity of years a severe judgment on the imaginative and passionate effusions of his youth. But there are others which we can hardly suppose to have been dictated by any one possessing a deep insight into the principles of Shakspeare's art, or a fine appreciation of its delicate results.

In the fourteen plays now under review, it would be an amusing and not uninstructive employment to survey with some minuteness, and endeavour to judge one by one, the particulars of the deviations of the folio from the quartos. But there is here no opportunity for the performance of such a duty. A few ob-

servations, with incidental examples, on the character of the text in each play, must suffice. And first we take the eleven which were printed directly from the quartos.

Mr Knight is quite justified in saying, that, in the four comedies which belong to this list, the few variations that occur have probably for the most part been created by the printer. Here, therefore, the quartos are to be held the foundation of the text. In regard to three of them, there does not occur any difficulty, or any point of difference between the two editors, calling for especial notice. As to Much Ado About Nothing, Mr Collier has established that it was printed directly from the quarto of 1600, and not, as Mr Knight would have it, from the stage-copy. But between that quarto and the folio there are a considerable number of verbal discrepancies, the general insignificance of which tempts even Mr Collier (a stanch advocate for minute specification of authorities) to adopt several readings of the quarto without announcing that the folio has in those places deviated from it. In a few passages, here as in the three other comedies, the folio judiciously corrects misprints committed by the quarto. Thus, in Hero's epitaph, (Act V. Scene 3,) the quarto gives the last line, 'Praising her when I am *dead*.' The printer of the folio, led by the sure mark of the rhyme, substitutes 'dumb,'—'which,' says Mr Collier in one of his fits of horror for the folio, '*may* be right!' But in several instances the printers of the folio have made unwarrantable corrections of the text of the quarto—oftenest from not understanding the point of the jokes. Two examples occur in the same page of this play, (Act III. Scene 5.) When Dogberry promises to bestow all his tediousness upon Leonato, 'an't were a thousand '*pound* more than 'tis'—the folio poorly gives 'a thousand *times*;' and it no less tamely amends the magniloquent blunder of the same learned functionary, 'we are now to *examination* these 'men.' Mr Knight rejects the second of these corrections; and, as decidedly, ought he to have rejected the first. Both are misapprehensions of the same sort which Mr Collier shows himself to have committed, (but which 'the old copies' luckily withheld him from promoting into his text,) when, in A Midsummer Night's Dream, he gravely proposes to obtrude sense and grammar into Bully Bottom's 'Thisby, the flowers of odours savours 'sweet.' 'Possibly,' says the critic, we ought to read, 'the 'flowers *have* odours, savours sweet,' or 'odorous savours sweet.'

Romeo and Juliet must come under our notice again, for another purpose. In this place, the play may be dismissed very briefly. Its text is easily settled. Between the text of the folio and that of the quarto of 1609, (from which it is there

printed,) there are no differences but verbal ones, and these chiefly attributable to typographical mistakes; while corrections of several of them are suggested by a preceding quarto of 1599, which is the original of the quarto of 1609, but (as usual) somewhat more accurate than the copy taken from it. There is, in short, no reason for supposing that any hand but that of the compositor ever ventured to alter the play after the manuscript had been completed, from which the quarto of 1599 was printed.

The First Part of Henry IV. is printed in the folio from the last and least accurate of the five quartos. Accordingly, its text must in several places be corrected from the older quartos. The variations of the folio from its copy are rather numerous, but almost all exceedingly trifling. Some are omissions and alterations, evidently caused by the carelessness of the printers; others, not many, are supposed improvements, chiefly modernizing the phrases, (a sort of amendment open to suspicion,) such as 'although' for 'albeit,' and 'on his behalf' for 'yea, on his part.'

In all the other plays of the fourteen, there are not only verbal discrepancies of the folio from the quarto, but designed omissions or additions of passages more or less considerable.

There is no great difficulty in adjusting the text of Richard II. and of Henry IV., Part Second. In the former, however, the folio, which is not printed exclusively from the quarto, omits—from no assignable motive but obedience to the directions of the stage-copy—several fine passages of the quartos, numbering altogether about fifty lines. In the latter, the folio not only omits some passages found in the complete copies of the quarto, but makes, from the manuscript, large additions. Of Titus Andronicus it is only necessary to say, that it is well printed in the quartos, but that the folio gives one whole scene not found in them.

We hasten to Richard III. This play was printed in five successive quartos, from which the folio deviates materially. In the first place, it makes considerable omissions. It wants two characteristic passages, one of which (the latter part of Richard's scornful evasions of Buckingham's solicitation) may have been left out for brevity in the acting; and it wants several shorter passages, which, for our own part, we have no difficulty in believing to have slipped out through carelessness in printing. But the folio contains a hundred and twenty lines not in the quartos, a part of these being one whole speech of fifty-five lines. Further, 'the 'folio presents continual verbal alterations, evidently made with 'a most minute scrupulousness;' and the opinion formed and acted upon by Mr Knight, (whose words are here quoted,) that this careful verbal correction was executed by the poet himself,

is acquiesced in by Mr Collier. 'The copy,' says he, 'in the 'folio of 1623, was in some places a reprint of the quarto of '1602,' (the third of the five,) 'as several obvious errors of the 'press are repeated, *right* for *fight*, *helps* for *helms*, *&c.* For the 'additions, a manuscript was no doubt employed; and the varia- 'tions in some scenes, particularly near the middle of the play, 'are so numerous, and the corrections so frequent, that it is 'probable a transcript belonging to the theatre was there em- 'ployed. Our text is that of the folio, with due notice of all 'the chief variations.'

In 'Troilus and Cressida' the folio adds, besides the prologue, several lines and sentences not found in the quarto; while it omits two or three lines which the quarto possesses. It introduces, likewise, a good many verbal changes, hardly any of which is at all important in itself, but which are curiously illustrative of the process to which the play had been subjected since its first publication. While the folio repeats several typographical errors of the quarto, it corrects others: but it commits errors of its own, oftenest through carelessness, though in one or two places from a mistaken anxiety to amend. Besides all this, however, there are many little variations which are not the work of a printer: they plainly proceed from a critical pen, aiming at improving either the thought or the expression. Not a few of these commend themselves even to the judgment of Mr Collier, in spite of his very questionable opinion, that 'the language of 'Shakespeare on the whole is, perhaps, best represented by the 'quarto.' That the alterations here referred to are wilful critical corrections, is clear from the character even of some that are least important; as, where 'attributive' is changed into 'inclinable,' and 'To taste your bounties,' into 'Beat loud the tam- 'bourines!' Some of them are changes which, although the original text is unexceptionable, are yet improvements on it, and are therefore willingly attributed to the poet. Thus, the sea's 'ancient breast,' described as bearing navies, is more pointedly spoken of as the '*patient* breast;' for the 'ridiculous and silly 'action' with which Patroclus is said to mimic the Grecian chiefs, there is substituted 'ridiculous and *awkward* action;' 'The providence that's in a watchful state,' is said in the quarto to know 'almost every thing'—in the folio, more appositely, to know 'almost every grain of Pluto's' (for 'Plutus'') 'gold.'

Thus much for the eleven plays in which the quartos were actually used as the foundation and copy of the text for the folio. There remain for examination the three others of the fourteen. For these three, the quarto editions were certainly not printed from, nor even (so far as it can be judged) referred to in any way

as authorities. The adjustment of the text of these plays is consequently more difficult than it is in the other instances; and the question derives particular interest from the rank which these three plays hold. They are, Lear, Othello, and Hamlet.

Of King Lear there are three quartos, all bearing the date of 1608, and not differing much from one another, though enough to show that they are really separate editions. From these quartos the folio departs in various respects.

In the first place, the folio gives fifty or sixty lines which the quartos want—lines occurring throughout the play, in short passages of a dozen lines at the utmost, and often much shorter. In regard to most of these, not strongly marked in any way, it is hard to say what may have been their history, or whether the work would have been better or worse for wanting them. Two or three others help to explain the business of the scene; and the want of one of these—a part of Edmund's treacherous advice to his brother in Act I.—decidedly impairs the perspicuity of the narrative. But of all the additions made by the folio, the most interesting are three of the shortest.

In Act II., when Glo'ster has gone to entreat Regan to see her father, the old man, in his rising fear and suspicion, says merely, according to the quartos, 'Oh, my heart! my heart!' It is this exclamation that the folio expands into the familiar line—

> 'Oh me, my heart! my rising heart! but down!'

In the last scene of Act IV., where Lear, tended by Cordelia, is awakening slowly to consciousness and imperfect sanity, the first incoherent gropings of his mind are thus expressed in the folio:—

> 'Pray, do not mock me:
> I am a very foolish fond old man,
> Fourscore and upward, *not an hour more or less;*
> And, to deal plainly,
> I fear I am not in my perfect mind.'

But the latter half of the third line is wanting in the quartos. Therefore the words have not appeared in modern editions till Mr Knight restored them. Their logical inconsequence—the very fact which makes them so touchingly characteristic—was held to justify the conclusion, that they were 'the interpolation of 'some foolish player.'

At the close of the tragedy, again, the last speech that the King utters is ended, by the quartos, with the words, 'Thank you, sir,' followed by a repetition of the interjection, 'Oh!' They present no trace of the pathetically significant words added in the folio, as spoken by the broken-hearted man when he looks upon the face of his dead daughter.

In the next place, the folio omits passages which the quartos have. These omissions are calculated by Mr Knight to amount to about two hundred and twenty-five lines. They occur in upwards of twenty places; several are less than a line in length, and others hardly more. But some are greatly longer. In the beginning of Act Third, we lose eight of the lines in which one of the inferior characters describes the symptoms of the King's rising madness; and Kent's speech in the same scene is pruned of the first half of its allusions to France. Later in the same act, the second of the old man's scenes of raving is shortened, by the expunging of the whole of the highly-wrought passage which contains the mock arraignment of the unnatural daughters; and the reflective close of the same scene is entirely discarded. An amputation still more merciless removes the whole of that scene in Act Fourth—beautifully poetic and touching in narrative, but neither essential to the action nor (perhaps) effective for the stage—in which the gentleman relates to Kent how Cordelia received the news of her father's sufferings. In regard to these omissions, and to others of a similar kind, it is surely not rash to infer that they were made merely with the design of fitting the drama better for representation. In this, as in most or all of the other instances, we are disposed to attribute the excisions to the poet himself, but to doubt whether they were intended by him as definitive alterations of his works. In one of the omissions in Lear, (Act II. Scene 2,) there is a trifling circumstance indicating the omission to have been made by a critical pen; for, the omission having lamed the metre, a change is made to cure it.

That Shakspeare's own hand did retouch this noble drama, is admitted even by those who have been least willing to recognise his revision elsewhere. This admission is involved in the preference given, by all editors, to most of those verbal alterations which the folio makes upon the quartos. The discrepancies are incessant, greatly more numerous indeed than those between the folio and any other of the complete quartos. In many places they are clearly owing to the press; the folio being sometimes right where the quartos have misprints, and sometimes misprinting what they give correctly. But by far the greater number of the discrepancies are designed alterations, and alterations made by some one exercising freely the critical prerogative. In a large majority of such passages, the readings of the folio have been generally adopted; and even our two recent editors, whose estimates of that edition in comparison with the quartos do by no means coincide, concur in giving us a text made up substantially on that principle. Any intelligent reader who, entertaining the

orthodox belief of Shakspeare's carelessness in writing his works, and his neglect of them after they were published, shall con patiently the text of Lear in its two successive shapes, cannot fail to arrive at one or the other of two conclusions;—either that the readings of the folio are not Shakspeare's, and ought to have been rejected—or that the popular creed in regard to his habits of composition is strangely and almost incredibly erroneous. Particularity of exemplification is here unattainable; and a few instances, however aptly selected, would convey a most incomplete notion of the weight of the proof. The editors must be consulted, and will well repay the labour of comparison. Mr Knight's foot-notes indicate the principal differences between the old copies, although he does not profess to indicate all; and Mr Collier's will (we rather think) account for every monosyllable of discrepancy, except towards the end of the play, where he appears to have become wearied of his interminable task; and wisely adopts readings of the folio without thinking it worth while to give notice of the most trifling of the differences.

In regard to the text of Othello, editors are not so well agreed. The work was never printed in the poet's lifetime; but there is a quarto edition bearing the date of 1622, as to which it is disputed whether it may not have been printed as late as the folio, or even later. A third independent edition is the quarto of 1630, of which (although it had been collated by Steevens for his 'Twenty Plays') Mr Collier has been the first to make a proper use.

The folio of Othello omits a few words—nowhere more than a line at once, and in few places so much—that are found in the quartos. Some of the omissions may or must have been blunders; other passages (such as Desdemona's—'To-night, my 'lord?' before she leaves the stage in Act First) may or may not have been omitted by design; others, (such as the 'Oh Lord! 'Lord! Lord!' given as Desdemona's last words by the first quarto and by Mr Collier,) were clearly omitted in the exercise of a good taste and sound discretion.

The additions which the folio makes are much more valuable. They amount, by Mr Knight's estimate, to a hundred and sixty-three lines in all—including several passages of much significance and beauty. Some of these are assuredly passages which have been omitted in the quarto through carelessness. Among those which cannot be so accounted for, the most interesting are the following:—In the beginning of Act Fourth, the most incoherent of the words which immediately precede Othello's trance, beginning with 'To confess'—in scene second of the same Act, Desdemona's kneeling prayer—near the end of the Act, a large part of Desdemona's conversation with Emilia, comprehending the whole

of the song of 'Willow;'—and in Act Fifth, seven of the finest lines in the middle of the speech that begins with 'Behold, I have a 'weapon!'

The minute verbal changes introduced by the folio are not so numerous as in some other plays of the list. They are, however, of a mixed character, indicating the agency of several causes besides the correcting hand of the author. We can see no good reason for doubting, that to him must be attributed several of the alterations. To this class we are willing to refer, with Mr Knight, notwithstanding Mr Collier's opinion to the contrary, the alteration of the passage of the 'speculative and active instruments,' near the close of Act First. There are several other alterations, chiefly adopted by all editors, which add strength or precision to the expression; and, while the omission of 'By Heavens!' and similar exclamations, has in some places weakened the passion, there are at least two places in which the excision of 'Zounds!' has made room for phrases greatly more pertinent. Some changes, though unimportant to the sense, introduce into the versification slight irregularities, which are at once consistent with the poet's later practice, and favourable to the ease and spirit of the lines.

But between the editions there are not a few discrepancies, for which the author ought not to be held answerable. In more than one place the folio gives correctly words which the older quarto misprints. In other places, the readings of the folio are typographical blunders of its own. In this category we venture, by Mr Knight's leave, to include the reading 'fall fortune,' for 'full fortune,' in Act First, (unintelligible, unless by assuming a most awkward mal-arrangement,) and the 'dower' for the 'power' of Bianca, in Act Fifth. Other changes are designed alterations, certainly not attributable to the poet, and perhaps to no authority higher than the printing-house. One of these is foolish to the height of impudence. In Othello's speech to the senate, where, according to the quartos and all the modern editions, he describes Desdemona as rewarding his story with 'a world of sighs,' the folio coolly reads 'a world of *kisses!*' One curious group of diversities occurs in the famous scene between Othello and Iago in Act Third. It is found in the beginning of the Moor's first long speech after the lady's departure. The quarto of 1622, followed by the current editions, and by Mr Collier, opens the speech with the words, 'By Heaven, he echoes me!' This form is expressive of little more than grave surprise, which is gradually displaced by livelier passion. On the other hand, Mr Knight's reading is 'Alas, thou echoest me!' a turn of the phrase which conveys a feeling of eager and anxious fear, less characteristic, as we venture to think, of this very first stage in the rise of the

suspicion. The editor who gives this reading, assigns the folio of 1623 as his authority; and we can testify that it does occur in the folio of 1632. Mr Collier, however, asserts that the first folio reads, 'Alas, *he* echoes me!' (which departs less from the sentiment of the older reading;) and that the quarto of 1630 gives, 'Why dost thou echo me?' We strongly suspect that these changes, instead of being (as Mr Knight ingeniously endeavours to show) improvements suggested to the poet by profound views of art, are merely effects, in one way or another, of the desire to remove a phrase excepted against as irreverent.

The state of the text of Hamlet is almost as interesting and as enigmatical as the work itself. The oldest known edition of it is the incomplete quarto of 1603, undiscovered in modern times till 1825. Of it we shall have occasion to speak again. In the mean time, it is enough to say, that its text assists in determining several doubtful readings of other copies. In 1604 appeared a second quarto, in which the drama is correctly described as 'newly imprinted and enlarged to almost as much again as it 'was.' This second quarto was three times reprinted before the appearance of the folio, with hardly any change except the usual typographical inaccuracies; and all these four impressions come near enough to the folio, to be considered as repeating the work which it contains.

The folio deviates from these complete quartos in all the usual ways. It adds; it omits; it alters.

Of the passages which the quartos have not, there are three containing no more than a line each, and three others that are not much longer. Two of the shortest of these have certainly been dropped out by the copyist or the printer; and perhaps the want of some of the rest may be accounted for in the same manner. Three others are more valuable. One of them comprehends the most melancholy and reflective part of the conversation with the two court-sponges in Act Second, (Scene 2; from 'Let me question,' to 'I am most dreadfully attended.') Another, in the same scene, is the account of the reasons why the city-players are no longer popular, (from 'How comes it?' to 'Hercules and his load too.') The third is a passage of thirteen lines in Act Fifth, (Scene 2; from 'And is't not to be damn'd,' to 'Peace, who comes here?') in which Hamlet confesses compunction for his behaviour to Laertes at his sister's grave. For these passages there cannot be claimed such importance as should make us very anxious to determine the knotty question, whether they really were in the play when the second quarto was published. It is likely, however, that they were.

Greater value belongs to the passages which the quartos give

and the folio omits. These passages are remarkable alike for their number, their bulk, the poetical beauty of some, and the dramatic significance of others. They are interspersed through several scenes, and amount in all to more than two hundred lines. Perhaps the following are those among them which could least willingly be spared by the poet's readers :—In Act First, the majestic description of the omens heralding the day when 'the mightiest Julius fell;' in Act Third, Hamlet's first hint of his resolution to out-manœuvre his treacherous schoolfellows; in Act Fourth, the whole of Hamlet's meeting with the Norwegian captain, and his reflective and explanatory comments on his own character; and, in Act Fifth, a considerable part of the exhibition of Osric's fopperies. That passages like some of these should have been expunged by the poet with a stern determination that they were no longer to be, in any sense, parts of his great work—is an hypothesis to which all Mr Knight's subtlety and ingenuity have failed to reconcile us. That the copy by which these omissions were dictated, was made up expressly for the stage, is indicated by several circumstances; and by this among others, that in one place, (Act IV. Scene 5,) the folio, evidently for green-room convenience, throws into the mouth of one actor speeches which the quarto had distributed between two.

The verbal deviations of the folio from the quarto of 1604 and its doubles, in the passages that are common to both editions, are very numerous; or rather they occur incessantly. But their number is very greatly reduced by making fair allowance for the discrepancies caused merely by blunders in the printing. Neither the quartos nor this part of the folio are well printed; and it would not be easy to say which is the more incorrect.

The folio does unquestionably avoid some typographical errors which had been committed by the quartos. Thus, in addressing the Queen on his first appearance, Hamlet uses, according to the quarto of 1604, the words 'coold mother,' which the quarto of 1611 improves into '*could smother;*' these elaborate blunders not being corrected into 'good mother' till the printing of the folio. And, in another place, 'virtue cannot so inoculate our stock,' is a reading due exclusively to the folio; for the quarto of 1611 had given 'evacuate' as a conjectural amendment of 'evocutat,' the reading of the quarto of 1604.

But, on the contrary, the misprints peculiar to the folio often exhibit a ludicrous amount of stupidity or carelessness. Thus, out of the image given by Laertes, of 'the kind life-giving pelican,' it manufactures 'the kind life-giving *politician;*' 'pansies' become 'paconcies;' 'Oh, treble woe!' is read 'Oh, terrible

'woer!' The simile of shooting 'the arrow o'er the house,' is closed with the words, 'and hurt my *mother*.' In the lecture to the players, 'the garb of Christian, Pagan, nor man,' is given as 'the garb of Christian, Pagan, nor *Norman*;' an amendment, by the way, which is nearly paralleled by Farmer's reading, (not disapproved by Mr Collier,) of 'Christian, Pagan, nor 'Mussulman.' Of course, errors so gross as these are not left uncorrected by any editor. But the recollection of them makes one bolder in suspecting that graver difficulties, raised by peculiar readings of the edition in which mistakes so portentous are perpetrated, may really be traceable to no higher source. Now, we must candidly say, that this is our suspicion—we might say, our belief—in regard to several (though by no means as to all) of those readings of the folio, the adoption of which is the most distinctive feature in Mr Knight's text of Hamlet. Nothing but misprinting seems to have caused the following variations of the folio from the quartos:—'Grisly' for 'grizzled,' applied to the beard of the ghost; 'treble' for 'tenable;' '*is it* very cold?' for '*it is* very cold;' 'rots itself' for 'roots itself;' 'two thousand' for 'ten thousand;' 'hurling words' for 'whirling words;' the omission of the substantive in the phrases, 'this brave o'er-'hanging *firmament*,' and 'a dear *father* murdered;' 'your prattlings' and 'one pace,' for 'your paintings' and 'one face,' in the reproaches of the Prince to Ophelia; 'I see a cherub that 'sees *him*,' for 'that sees *them*,' an alteration for which Mr Collier has helped his brother editor to a most impotent defence.

When all such discrepancies have been set aside, the list is reduced to a compass comparatively small. But among the various readings which remain, and in which the folio designedly abandons the text adopted in the quartos, there are some in regard to which there is much room for hesitation between the two authorities.

Several alterations there are, for which it is impossible to assign any satisfactory reason. Some, again, appear to have been prompted by a wish to improve the dramatic cast of the expression, and others by considerations of taste, which it is easier to appreciate than to explain. A good many are made for the purpose of displacing a coarse, harsh, or old word or phrase. We cannot persuade ourselves that all the changes of these kinds which the folio exhibits, are to be attributed to the poet; but in each of the classes there are some, the internal character of which compels us to give him the credit of them. Thus—'Jump at 'this dead hour,' is softened into 'Just at this dead hour;' and, on a similar principle, 'he topp'd my thought,' becomes 'he 'passed my thought.' The words, 'no spirit dares stir abroad,'

are made, we think, more ideally poetical by the slight change into 'dare walk abroad.' In the play-scene, the exclamation aside, 'That's wormwood!' which the common editions borrow from the second quarto, is dramatically heightened by the folio into 'Wormwood! wormwood!' A line in Act Second, familiar to satiety, wants half its force in the quarto of 1604, and its reprints, which read it thus—'What's Hecuba to him, or he to her?' But this may have been merely a misprint; since the received reading appears, not only in the folio, but in the quarto of 1603.

There are several alterations introduced in Hamlet by the folio, which, to our eye, wear the aspect of having been made for the stage, just as clearly as do the large omissions. The principal of these are of a kind occurring elsewhere, but nowhere so often as in this play; repetitions of emphatic words or clauses, so made as often to injure the metrical structure of the verse, but almost always so introduced that the repetition would impart increased effect to the passage when it came from the mouth of the player. Act Third of Othello furnishes an instance in point, both for the peculiarity and for the probable cause of it. Towards the close of the great scene, the Moor, worked up to madness by his tempter, exclaims, according to the quarto and the current editions, 'Oh, blood, Iago! blood!' But the folio gives the words, 'Oh, blood! blood! blood!' Now, we have seen Edmund Kean, in acting this scene, run the word 'blood' through half a dozen repetitions, each uttered with a more malignant burst of hatred, and accompanied by a fiercer gesture, imitating the anticipated act of vengeance. And, not otherwise, in Hamlet's first scene with the players, some actors are wont, by way of improving the imitation of imperfect recollection, to give, several times over, the 'let me see, let me see,' and the opening phrases in the speech of Pyrrhus. In a word, then, (although the notion may seem whimsical,) we would regard most of these repetitions occurring in the folio as theatrical memoranda—as notes recording, for example, Burbage's way of delivering certain passages of Hamlet, just as notes of a modern editor might record similar stage-effects of admired modern players. We would not willingly lose those memoranda, and are obliged to Mr Knight for recovering them. But we should be disposed to place most of them in the notes rather than in the text. We say most, rather than all; because some of these repetitions, though not found in the second or later quartos, are common to the folio with the quarto of 1603; so that there is an additional presumption that these were in the drama from the beginning. This distinction would preserve in the text the repetitions in Act First, (already received in the current editions,) 'Indeed, indeed, sirs,

'but this troubles me,' and 'Very like, very like.' It would exclude the harsh repetition of the first word, in a line which the folio (not here followed by any editor) reads thus—

'Haste, haste me to know it, that with wings as swift.'

It would exclude these other repetitions, which Mr Knight admits—

'My tables—my tables: meet it is I set it down—
Excellent, excellent well; you are a fishmonger—
I humbly thank you; well—well—well.'

The examination of the principles upon which the adjustment of Shakspeare's text should be founded, seemed to deserve the prominent place which has here been allotted to it. The meritorious labours of our two editors have brought the question nearer to a solution than it has hitherto been brought; and it is, above most others, the question which tests the merit of the two recent editions as compared with their predecessors. The matter cannot well be illustrated without a reference to particulars, fuller than that which it has been in our power to give; but even our summary treatment of it has left but inadequate opportunity for dealing with the second of the topics which were marked out for exposition.

The settlement of the text, in those dramas of which there exist complete copies both in the separate quartos and in the collected edition in folio, must proceed on the assumption that Shakspeare did not hold the duty of verbal correction to be beneath the dignity of his unequalled genius. All his editors, as it has been shown, admit this rule: the difference among them lies only in the extent to which they hold it applicable. We have purposely refrained from saying, that the fact assumed is proved beyond the possibility of reasonable dispute, by the old editions of that group of plays which are next to be touched on. No reluctance ought to be felt in admitting that the great poet stooped to alter single words and phrases, by those who have become acquainted with the patient labour which he bestowed in remodelling and elaborating whole sentences and dialogues in those dramas which he re-wrote.

It is certain that Shakspeare re-wrote four of his works—Romeo and Juliet, Hamlet, The Merry Wives of Windsor, and Henry V. Two others would be added to the list by those who believe, with us, that Shakspeare was the author, not only of the Second and Third Parts of Henry VI., but of the Two Parts of the 'Contention betwen the Houses Lancaster and York,' of which those two plays are altered and enlarged editions. Even a seventh play might, perhaps, be described as re-written, on

the faith of the assertion made in the title-page of the oldest known edition of 'Love's Labour's Lost,' that the play as there printed was 'corrected and augmented by the author.'

In regard to the work last named, however, there are no materials making rational conjecture possible. And, for the questions arising as to Henry VI., the opinion just hinted can hardly be better defended than in the Dissertation of Mr Knight; while some of the grounds for disputing it are assigned by Mr Collier; and the argument is more fully handled by Mr Halliwell, in his reprint of the 'Contention' for the Shakespeare Society. At present, attention will be claimed only for the four dramas first mentioned.

On the very threshold of the discussion, however, an exception is taken to the competency of the evidence. Mr Collier does not explicitly deny that Hamlet and the Merry Wives of Windsor were altered in some way by the poet; and he appears to admit that alterations and improvements were actually made on Romeo and Juliet, and on Henry V. But we understand him to maintain some such theory as the following:—That, in each of the four instances, the early and incomplete edition is, in substance, nothing else than an imperfect copy of the very same play which appears in the later and complete edition; that the discrepancies between the two editions are sufficiently accounted for by the imperfections of the sources from which the copy for the earlier edition was derived; and that these discrepancies do not, in any of the four instances, entitle us to infer the play to have been, when the copy was taken for the earlier edition, materially different from what it was when the copy was taken for the later.

That the earliest editions of all the four plays were piratical—'stolen and surreptitious copies,' (as the player-editors say in their address to the readers,)—is highly probable, if not deductively proved. There are also, particularly in the character of some misprints and of some omissions, symptoms, strong though very far from being absolutely conclusive, that certain portions were copied by the ear: although there are in other places conclusive proofs of the use of a tolerably accurate manuscript. If, again, any portions were actually taken down from oral repetition, it is alike impossible to pronounce with certainty how the opportunity for such copying was obtained, and what method was employed in the operation. Steevens conjectured that the thievish booksellers might have invited the players to taverns, and there made them recite their parts: Mr Collier adopts the more usual and feasible supposition, that persons were employed to attend at the theatres, and take down the piece during the performance. It is equally doubtful, again, whether those who might have copied the plays in either of these ways had no means at their command except the

current handwriting; or whether it was in their power to use stenography,—a supposition which is made unlikely by the known imperfection of the art in that age, but which receives some support from assertions of Thomas Heywood, quoted elsewhere by Mr Collier. All these assumptions rest upon very narrow grounds: each of them is subject to strong objections.

But, it must be observed, the question mooted lies beyond this ground. Its decision is but indirectly affected by the belief which is entertained in regard to the origin of the first quartos. The question is,—what the plays were from which, whether by hearing or through manuscripts, those quartos were taken;—whether they were substantially the same plays with those which were copied in the later editions. The evidence is furnished by a comparison of the editions themselves. After making the fullest allowance for all discrepancies which can be accounted for by the most unfavourable theory as to the origin of the quartos, we must say we are quite satisfied that, in each of the cases, the copy for the first quarto had been procured from a work differing most materially from that which was copied for the later edition. Indeed, so clear does the internal evidence seem, we cannot help being surprised that its force is resisted. Assuredly the contrary opinion, which Mr Collier has formed, ought to have been supported by something more than his brief and dogmatical declaration of it.

In respect to these four dramas, Mr Knight's opinions are on the whole as satisfactory as his Disquisitions on their history are interesting and instructive. But, carried away by the eagerness with which an enthusiastic mind prosecutes a novel speculation, he has undoubtedly overlooked some of the qualifications by which our belief in alterations by the poet ought to be limited.

The first quartos of all the four plays abound, not only in errors, but (as Mr Knight observes) in evident imperfections. They are neither correct nor complete copies of any original;—the Romeo and Juliet, however, being the least defective, while the Hamlet (a very bad piece of typography) is by far the most so. Now, here, as in the comparison of the complete quartos with the folio, there is often reason to suspect, that passages not appearing in the earlier copy were nevertheless parts of the work when that copy was made. Indeed, the grounds for such a suspicion are greatly stronger here than in those other plays as to which we formerly expressed it; and, if we could be assured that the two groups of works were prepared for publication in circumstances essentially similar, the deficiencies in the proof as to the one group might legitimately be eked out by analogies drawn from the other. The passages wanting in the first editions of the four plays are very

many, and of all varieties of dimensions, from whole scenes in succession down to half and quarter lines. It is in some of the shorter omissions that the passages may most plausibly be asserted to have been in the play from its very earliest stages; because it is in such instances that the passages given by the first editions, and those occurring only in the later ones, are oftenest found to dovetail into each other with an exactness not otherwise easily to be accounted for. We have noted several examples, and might refer, amongst others, to a passage in the opening scene of Henry V., which Mr Knight gives in its two forms. In that passage as printed in the quarto we recognise, as he does, not an 'imperfect transcript,' but a 'hasty sketch' of the same passage as it appears in the folio; but we have a suspicion—for it hardly deserves to be called a belief—that, especially at the beginning and end of the portion quoted, the printers of the quarto would, if they had been able to communicate a complete copy of the sketch, have given us something which they do not give, but which it is easy to supply from the folio.

Yet, after the most ample allowances have been made, it does, we repeat, seem to us plain to demonstration, that by no conceivable process of blundering or imperfection, either in listening, or in copying from manuscripts, could the most distinctive passages in the first editions have been concocted from the corresponding passages as they stand in the later ones. The early quartos are copies, more or less incorrect, of plays, from which the corresponding plays in the later and complete text differ materially, but of which these complete plays are alterations.

The changes do not in any instance affect the outline of the work. In some places they involve improvements and elaborations in the development of character. One or two of them are new arrangements of scenes. But the main and pervading difference is this:—that, in a multitude of passages, the substance of the leading conception, but nothing more, is presented by the sketch; while the amended work exhibits the same thought or image fully evolved, placed in a brighter light, or set off by new adjuncts.

It is impossible to enter, here, upon the particulars of those discrepancies with that closeness of scrutiny which would be required alike for setting forth the argument with due force, and for making the representation of the features adequately lively. But the topic is too interesting to be dismissed with nothing beyond general remarks.

Of Romeo and Juliet there exist three editions. These are the following:—The original sketch, printed in 1597, but probably written some years earlier; the elaborated edition, increased by

about a fourth, printed in 1599, and in two subsequent quartos; and the edition given in the folio, which hardly differs from the second, except in making some omissions. The comparison, therefore, lies mainly between the quarto of 1597 and that of 1599.

In almost all places, the additions made by the second quarto are of such a character, that it is really impossible to account for them otherwise than by supposing that their introduction was one of the parts in a process of re-writing. Almost every where minute changes accompany them, or are even interwoven with them; changes in which we perceive how the original thought or image is preserved—how even the most pregnant of the original words are often retained to represent it;—but how the sameness is united with an entire remodelling—how some circumstances are thrown into the background—how others entirely disappear—and how, while new pictures and new sentiments are brought upon the canvass, the old are made to appear with redoubled brightness.

The additions nowhere extend to so much as a whole scene; nor are they, or the other changes, equally distributed throughout the work. Thus, for example, the sketch works up the love-scenes to their full height of poetical romance. The stream of fantasy throws up from the first all its airy bubbles. Those bright and half-earnest conceits, which have so perplexed the matter-of-fact critics, and been praised so eloquently (often so unwisely) by those of the enthusiastic school – glitter and break in the early play just as they do in the later. In the whole series there is not wanting one group of fanciful images, excepting the high-wrought soliloquy of Juliet in the second scene of the Third Act. The interview between Romeo and Juliet at the masquerade is identical in the two editions. So is the scene in the balcony. And thus, likewise, the higher comedy of the play is completely worked out in the first quarto. Mercutio's portrait is drawn there in all its features. Hardly a speech of his is wanting; hardly a line varies in any speech. The description of Queen Mab is more changed than any other passage that comes from his lips; but even in it, the changes, although curious, do not materially alter the colouring of the picture.

Of prominent passages materially changed, the most noticeable are two:—Juliet's soliloquy before drinking the potion; and the scene in the tomb, especially Romeo's soliloquy. In the former of these passages, eighteen lines are expanded into forty-five; which present, for the first time, almost all those strong touches of individuality that give life to the heroine's imagined spectacle of horrors.

But the scenes which are more thoroughly changed than any

others, are two of minor note—the sixth scene of Act Second; and the fifth scene of Act Fourth.

The former, the wedding-scene, is completely metamorphosed. Hardly any thing does the first sketch contain of that which is so characteristic in the amended edition. The reflective tone of the friar, prompting his train of rich and slowly-flowing similes—the rapt enthusiasm of Romeo, kindling into a blaze of metaphors—are alike after-thoughts of the poet. In the first sketch, the scene is a bare and unadorned piece of business. But the most instructive alteration affects the character of the lady. In the sketch, Juliet's share of the scene, though but slightly touched, is conceived in a strain of passionate warmth, indicated not unaptly by the stage direction of the old copy—'Enter Juliet 'somewhat fast, and embraceth Romeo.' In the amended play this forwardness is made to disappear: her love, still allowed to give vent to its vehemence when 'the mask of night is on her 'face,' here hides itself in a coyness more becoming.

The other scene alluded to as much altered, contains the lamentation over Juliet, supposed to be dead. Of the whole scene as it appears in the amended copy, not more than fifteen or sixteen lines are common to it with the sketch, either in words or even in substance. With this exception, every thing is changed; the grouping and relative prominence of the characters, the matter and distribution of the dialogue. The new edition possesses exclusively the greater part of the pointedness of expression, some of the plays upon words, and almost all the poetical beauty of imagery and illustration. In truth, the scene does not, even in its amended shape, display the poet's deepest pathos, (and it would not be difficult to discover why his powers are not here fully put forth;) but of the scene, as originally written, it is not too much to say, that it is throughout declamatory and cold.

There is very much matter for speculation in those less sweeping changes which we encounter in most parts of the drama. Instances present themselves in crowds; but one may be taken for examination, not as possessing paramount interest in itself, but as illustrating in several aspects the manner in which the changes are usually effected. It is a part of the opening scene in Act Fifth. The description of the Apothecary receives in the revisal some of its most lively features of detail; and, through all parts of the scene, several of those pregnant expressions which are so suggestive both of imagery and of reflection, are peculiar to the later copy. The dialogue following the Apothecary's entrance, stands in the first quarto as follows—except as to the spelling, which is here modernized to make the comparison easier

between the passage and its representative in the modern text:—

> *Apoth.* Who calls? What would you, sir?
> *Romeo.* Here's twenty ducats:
> Give me a dram of some such speeding gear,
> As will dispatch the weary taker's life,
> As suddenly as powder being fired
> From forth the cannon's mouth.
> *Apo.* Such drugs I have, I must of force confess;
> But yet the law is death to those that sell them.
> *Rom.* Art thou so bare and full of poverty,
> And dost thou fear to violate the law?
> The law is not thy friend, nor the law's friend;
> And therefore make no conscience of the law.
> Upon thy back hangs ragged misery,
> And starved famine dwelleth in thy cheeks.
> *Apo.* My poverty, but not my will, consents.
> *Rom.* I pay thy poverty, but not thy will.
> *Apo.* Hold, take you this, and put it in any liquid thing
> You will: and it will serve, had you the lives
> Of twenty men.
> *Rom.* Hold, take this gold, worse poison to men's souls
> Than this which thou hast given me. Go, hie thee hence.
> Go, buy thee clothes, and get thee into flesh.
> Come, cordial, and not poison! go with me
> To Juliet's grave, for there must I use thee.

Any one who consults the ordinary editions for the comparison, must be warned, that although the fifth line of Romeo's second speech is read in those editions just as it has been given above,—yet this is not a correct representation of the amended copy, but one of the many instances in which the modern editors have improperly and inconsistently made up a text, by piecing together parts of two successive editions. The true reading of the later quartos and of the folio is—

> 'Contempt and beggary hang upon thy back.'

With this exception the common editions represent correctly the amended copy. Now, without going into a wearisome dissection of particulars, which even a cursory examination will at once detect, it may be remarked, that the speech in which occurs the line just quoted, is in the revised edition transformed, not only curiously and skilfully, but also with minute industry. In the newer edition, as in the older, the foundation of the speech is a characteristic catching at a phrase used by the preceding speaker. But the word played upon is changed; and it is instructive to mark how happily the change is made to increase the depth of the thought

and the terseness of the language. If we were quite sure that the first quarto represents the original sketch correctly in all points, the transposition which takes place in this speech might be remarked as another improvement.

In Romeo's first speech, again, it will be noticed at once, that, besides an expansion throughout, there is one in the expression of the closing simile. But in regard to this simile there happens something yet more curious, and something which deserves notice, because it is paralleled several times in the history of these successive editions of Shakspeare's works. For expressing the simile in its enlarged form, the poet actually does not re-write; he merely transfers two lines, almost without a word of change, from an earlier part of the same play. In scene fifth of Act Second, the first quarto had made Juliet speak thus—

> 'Oh, she is lazy! love's heralds should be thoughts,
> And run more swift than hasty powder fired
> Doth hurry from the fearful cannon's mouth.'

In the revisal, then, this simile is displaced in favour of the exquisite picture of the sunshine chasing shadows on the hills—an image at once more ideal, more in harmony with thoughts of love, and more accordant with the sex and character of the speaker. But the original simile is thought (it would appear) too good to be altogether lost. Having already been used in the Apothecary scene in an abbreviated shape, it is now introduced there in the fuller and more striking form.

Or must we refuse to attribute the transference to the poet himself? Is it too much to believe that he who was of 'imagi-'nation all compact,' should have stooped to an elaboration so exact; and that particular sentences and phrases which had once dropped from his pen in places where they were but imperfectly apposite, should have been by him carefully transferred to other places where they might stand with greater pertinence? Are such instances to be attributed (as they have been) to blundering transpositions made by copyists or printers? There is, as we venture to think, such other evidence of industrious elaboration on the part of the poet himself, as should remove any unwillingness to admit that he was here equally painstaking and patient. And besides, there are not only, elsewhere, transpositions of whole scenes, which it is mere childishness to account for on the hypothesis of mistakes in the copying; but there are several examples closely resembling that which is here in view—examples in which passages, appearing at one place in the first edition of a play, are removed thence in order to be introduced (with or without change) at another place in the same work. It may be worth while

(besides remarking that there are several very interesting examples in the successive editions of the Merry Wives of Windsor,) to cite another from Romeo and Juliet.

In the masquerade scene, Capulet puts an end to the festivities by an address to his guests, not unlike what has been said to have sometimes been heard from the lips of hosts in modern times. The speech, beginning with the same two lines in both editions, differs afterwards. It stands thus in the quarto of 1597—

> *Capulet.* Nay, gentlemen, prepare not to be gone:
> We have a trifling foolish banquet towards.
> (*They whisper in his ear.*)
> I pray you, let me entreat you. Is it so?
> Well then, I thank you, honest gentlemen;
> *I promise you, but for your company*
> *I would have been a-bed an hour ago.*
> Light to my chamber, ho!

The change to be particularly noticed is, that, in the second quarto, the fifth and sixth lines are wholly omitted. Surely it is not very difficult to discover reasons which might have weighed with the poet, in removing, when he had acquired a better knowledge of society, expressions which in his earlier days had not appeared to him to be unbecoming. But the expressions are not discarded. They are transferred to a place in which they befit alike the occasion and the relation of the parties. In the later editions, and in the current text, they will be found in Capulet's conversation with Count Paris, in scene fourth, Act Third; a place where the first quarto has nothing at all like them.

The history of the changes undergone by the great tragedy of Hamlet, might furnish to the student of the dramatic art lessons more instructive, perhaps, than any other topic which could be suggested by his study of Shakspeare's works. Those lessons, however, will not be received, or rather they will be thought to rest on grounds altogether chimerical, by any one who shall adopt Mr Collier's creed:—That Hamlet was not composed in any shape until the winter of 1601-2, or the thirty-eighth year of its author's age; that the notices of a play bearing that name, which occur for twelve or thirteen years earlier, relate to an unknown play by an unknown author; that we know nothing of Shakspeare's work but from editions not varying materially from the ordinary text; and that, in particular, our knowledge of it is not at all increased by the quarto of 1603—the deviations of that edition from the later ones (which are confessedly material) being wholly attributable to the imperfection and dishonesty of the means employed for concocting it. The evidence for and against these propositions is chiefly internal. It lies in the successive editions of this Drama. The particulars of the argument founded on the

evidence, Mr Collier has not given—contenting himself with saying, that he could establish his opinions 'without much difficulty;' but that the republication of the first quarto of Hamlet, in 1825, makes it unnecessary to go into the proof in detail. We cannot but believe that, if he had attempted to set forth the reasons of his opinions in detail, he would have found the proof greatly more difficult than he expected.

The reason of the thing has long made it be admitted as probable, that Shakspeare's activity as an original Dramatist must have commenced much sooner than the dates commonly assigned to the oldest of his works in the received copies. The valuable discoveries of Mr Collier himself, in regard to his standing in the theatre at early periods of his life, have given us other facts, which it is not easy to account for unless by the assumption otherwise rendered desirable. In these circumstances, we find that a play named Hamlet, and described by marks tending to establish (though not decisively establishing) its identity with a play of Shakspeare's, is mentioned as existing in 1587, or the poet's twenty-fifth year; and that similar notices occur in 1594 and 1596. We are thus entitled to assume it as probable that Hamlet did exist, in one shape or another, from the oldest of those dates. If any of us still have difficulty in believing that this Drama, as we possess it in its complete form—the most deeply contemplative of all its author's works—could have come into being as an effusion of his earliest manhood, there is now at hand the hypothesis—rendered plausible by what we know in regard to other works of his—that, as first composed, Hamlet may have been not inconsiderably unlike what it is in the shape best known to us. So far we are entitled to proceed, without knowing that any edition exists which throws more light on the question.

When we open the quarto of 1603, the conjectures previously formed become certainties. Though we had otherwise no reason to suspect that Hamlet had existed in a different shape before its publication in 1604, we should at once perceive that it had done so; and that the edition of 1603, notwithstanding the imperfections and blunders which make it perhaps the very worst of all the badly printed plays of the time, does yet present no unsatisfactory representation of the state and peculiarities of the work in its earlier form. Afterwards, taking again into account the external circumstances, we find them to square, as exactly as could be expected, with the internal evidence afforded by a comparison of the editions. In short, we have no difficulty in believing that the first quarto gives us, although with provoking imperfections and corruptions, a form of the work older by a good many years than that in which we have been accustomed to study it—a form exhibiting such dissimilarities from the later one, as

indicate not obscurely the progress of the poet's mind, from the unripe fervour of early manhood to the calmer and more philosophic inspiration of perfect maturity.

Here, then, it is—on the comparison of the editions—that we, subscribing unhesitatingly to Mr Knight's opinions, find ourselves to be directly at issue with Mr Collier. The most important of those minor differences, which he must attribute to blunders or faithlessness in the shorthand writer or printer, bear to our eye distinct marks of having been, almost in every passage that could be pointed out, the fruits of designed alteration by the poet. As to the transpositions, which with him are another effect of carelessness, there can, if we mistake not, be assigned satisfactory reasons why each of the passages should once have occupied the place it holds in the first quarto, and afterwards have been transferred by the poet to its place in the second. But another section of the theory briefly stated by Mr Collier in regard to this play, is so very startling, that it cannot be dismissed with a simple dissent. Something, then, there is in this play—though he has not intimated what or how much falls within the exception—something, more or less, there is, for which he perceives it is impossible to account by any conceivable process of mere blundering or omission. Such parts, however, he still declines to regard as belonging to Shakspeare in any sense. He assumes them to owe their origin to the fact, that, 'where mechanical 'skill failed the shorthand writer, he either filled up the blanks 'from memory, or *employed an inferior writer to assist him.*' Upon this conjecture we make but two remarks. In the first place, it could not have been thought necessary, if the discrepancies between the editions were not very striking indeed. Therefore the discrepancies call imperatively for anxious scrutiny from the students of the poet's works. Secondly, we are much mistaken if such a scrutiny does not lead impartial enquirers to the conviction—not only that the discrepant parts of the first edition proceed from no one except Shakspeare himself—but that the assumption of so bold an hypothesis as that which is here propounded, by one whose habitual caution is the distinctive characteristic of his mode of thinking, is a remarkable example of the evil effects produced by pertinacity of adherence to a preconceived opinion.

An analysis of the proof upon which the question must be decided, could not be made in any degree complete without an expenditure of space altogether unreasonable. And no clear or satisfactory conception of the relation between the two copies could be conveyed, either by a few vague generalizations, or by a hurried reference to specific instances of change. But they

who are disposed to institute the comparison, will be much assisted by Mr Knight's Introductory Notice to the Drama, as well as by some views which he hastily throws out in his observations on 'Titus Andronicus.' Of these there can here be made but little use.

In the first place, as Mr Knight has observed, 'all the *action* of the amended Hamlet is to be found in the first sketch.' The character of Hamlet, also, is fully conceived in the original play whenever he is in action. It is the contemplative part of his nature which is elaborated in the perfect copy.' 'In the sketch, the misanthropy, if it may be so called, of Hamlet, can scarcely be traced: his feelings have altogether reference to his 'personal griefs and doubts.' In other words, the older play evolves but partially either of the two elements of the Prince's contemplative character;—the philosophic and the poetic;—those deep and fine touches of a moody and cheerless, yet noble philosophy —those dazzling flashes of imaginative light which make all that is around them blaze up with reflected splendour. But it wants more of the philosophy than of the poetry. Although the story, as Mr Knight has appositely observed, does really, when we reflect upon its accumulation of revolting and bloody incidents, present an aspect which throws it back into the school of Titus Andronicus; although it is one which perhaps Shakspeare would not in later years have selected, in its full mass of horror at least, as a fit subject for genuine tragedy; yet, even in the earliest form in which we possess the drama, we perceive the theme to have been idealized by the high working of a great poetic mind. Thus, in the First Act, which puts in representation the most imaginative features of the idea, there is not in the most prominent parts a material difference between the two editions. The mighty conception had arisen in the young poet's imagination with full and ripe distinctness; and that rich strength of words and of illustrative images, that bright array of lights and shades caught from external nature and reflected back upon the poetic heart, that early ease and felicity which he had proved in his youthful lyrics and descriptive verses, here enabled him to bestow on the induction of his drama a development, to which subsequent changes in his own mind qualified him to add but little. The ghost scenes receive only some additional polishing, and a few additional strokes of imagery. It is in the minor scenes, the scene at court, and the interview of Corambis (the Polonius of the old play) with his two children, that the material changes occur. In them there is a remodelling of almost every thing. Even in the First Act, however, there are not a few instances which would exemplify well the gradual progress by which the

character of Hamlet reached its full complement of representation. His first soliloquy, although glaringly misprinted in the older copy, is as apt an illustration as any.

In subsequent parts of the play, Shakspeare's views are perceived to have changed in many most important respects during the interval between the two copies. Much of this is seen in the elaboration of particular passages, of which specimens are given by Mr Knight. Much of it will be seen also, on an intelligent and patient analysis, in those transpositions which some critics would charge altogether to the account of the copyists. One of these may be noticed as illustrative of those broader conceptions of his art—of that increase of gentleness and calmness, and of that addiction to gradual preparation for startling and violent scenes of passion—which were taught to the poet by increased experience in thought and in dramatic composition.

A whole scene is transposed; the famous interview with Ophelia, where he madly reproaches and reviles her—a scene whose harshness may not always be perceived in the closet, but from which, in acting, no skill has been able, unless by a gross violation of the text and meaning of the author, to remove an impression approaching to actual pain.

Let us recollect the place which this scene, so unharmonious in its palpable effect, holds in the drama. Let us recollect also how we are prepared for its approach.

In the play, as we have it in the newer edition, Hamlet's assumed madness is announced by degrees. First comes Ophelia to describe that pitiful act in which he had seemed to bid her an everlasting farewell. Then the King talks of Hamlet's 'transformation,' and sets the court-sponges to suck out the heart of his secret; and Polonius reasons wisely, like many other wise men, from false premises. After this, Hamlet himself enters reading; and next ensues that most characteristic dialogue with Polonius, and afterwards with Rosencrantz and Guildenstern—in which there alternate deep scorn, wild and aimless taunting, majestic imagination, and philosophic thought—and that unspeakably profound pathos, that hopeless sinking of the heart, which, recurring with increasing frequency as the drama proceeds, makes us feel more and more keenly, that, after all, the prince's madness was not wholly put on—that the struggle of his intellect with his will had truly shaken the foundations upon which reason builds her seat. Afterwards come the players; and, when they have departed, the prince bursts out into that terrific outbreak of passion, of self-reproach, of self-contempt, of grief, of hatred, and finally of determined revenge, which concentrates his whole history, and an abstract of his whole character, within the com-

pass of less than a hundred lines. Thus, in the altered play, closes Act Second; and it is only at the opening of the Third that we find the scene with Ophelia.

But all this was originally managed by the poet in a different manner. The scene with Ophelia was inserted long before, in all its harshness; nay, with an abruptness bringing it somewhat closer to the scene in the original Novel—that coarse and mean model, from which, for this as for much else, so very many things were borrowed. In the sketch, the scene comes immediately after the wise reasonings of Polonius; and, introduced by the soliloquy 'To be or not to be,' it is Hamlet's first appearance after his interview with his father's spirit. The rough outline of the fine dialogue with Polonius and the two sponges, immediately follows it. This was what Shakspeare planned when he first wrote the play: we know what he did when he came to revise it.

The change may be regarded in several lights. It may be thought of as bringing out the strong scene with Ophelia, after more gradual and complete preparation—as thus at once softening the seeming sternness of the scene itself, and developing Hamlet's character, both as it was and as it seemed, with a more effective climax. Or it may be thought of in a higher view, as an expedient bearing upon the harmonious arrangement of the play as a whole—as enabling the imagination to contemplate the dramatic panorama more easily, and the sympathy to flow more quickly and smoothly with the current of the emotion. It may be thought of as infusing greater breadth and simplicity, and a stronger degree of contrast, into the masses into which the drama naturally falls. According to the old arrangement, there was in some measure a frittering away of strength—a dividing of efforts which would have been better made in unison. The energetic passion of the scene with Ophelia breaks out suddenly, and passes away without effect. The remainder of the Act is in a key far less passionate. And again, when we come to the Third Act, the vehemence of the play-scene breaks out with equal unexpectedness. Take the altered shape of the drama. How differently does every thing now proceed! The Second Act is now an uninterrupted series of scenes, marked by repose; a broad mass of light in the picture, with heavy shadows on this side and on that. The mind of the prince, the minds of all who stand about him, are for a time quiescent, brooding, expectant. And then, in the Third Act, of which the transposed scene is the opening, comes the convulsion, shock after shock:—the wild insults heaped upon Ophelia—the suppressed suspicion which begins the play-scene —the mad jubilee of revenge and hate which reigns in its close

—the vainly remorseful prayer of the murderer, with Hamlet's fiendish paroxysm of cool malice as he watches him on his knees, (one of the most significant touches in the whole piece) —and, last of all, the fiery haste and terrible impressiveness of the scene in the Queen's chamber, which contains the slaughter of Polonius, the fearfully earnest reproof administered to the guilty mother, the apparition of the murdered father, awful and portentous.

But in lingering over Hamlet, loth to depart, we have deprived ourselves of the opportunity of saying any thing specific in regard to the two other re-written plays. There is the less reason to regret the enforced passing by of Henry V. without minute notice, because the changes which take place on it in the augmented edition contain hardly any thing that is particularly characteristic. But it is a pity to leave unused the store of materials for illustrative remark, which are presented by the complex and laborious alterations made on 'The Merry Wives 'of Windsor.' Mr Knight's examples and elucidations are apt and full; but we should have liked to push a little further some speculations which had been suggested by him, and by a close comparison of the two editions. We have space for only two remarks. First, then, the discrepancies in several passages, and particularly in the versified scenes towards the end of the play, are among the most curiously instructive instances of the sort. In the next place, the extent of those discrepancies is so great, and the passages, as given in the older edition, are so correct in sense and metre, and seemingly so faithful to some original or other—as to make it surprising how Mr Collier, if determined to disbelieve that the discrepancies could be accounted for by a re-writing, should not have perceived that blundering will not account for them, and have manfully maintained, that, like such passages in Hamlet, they were written for the nonce by some inferior dramatist.

With neither of the topics which have here been taken up for specific examination, was it either proper or possible to attempt dealing exhaustively. The state of the text is emphatically a question of particulars; and the duty devolving on us has been merely that of endeavouring to exhibit in a summary manner, and to illustrate by occasional reference to examples, the relations in which, as to this point, the editions before us stand towards each other, towards their modern predecessors, and towards the ancient copies. The history of the re-written dramas, again, involves speculations so complex, that our limits have scarcely enabled us to set down more than a strong declaration of opinion.

It will be right to add an advice to the students of the poet, to master for themselves this interesting and peculiarly instructive department in the criticism of his works. The materials for the study are not difficult of access. Every thing that is indispensably necessary lies within narrow limits. All is contained in the two recent editions—in the reprint of the old Hamlet made in 1825, (and repeated, by-the-by, at Leipzig,)—in the useful 'Twenty Plays' of Steevens—and in the reprints of the Shakespeare Society, which are still in progress, and in which it would be well that the Hamlet could be included.

An analysis of the merits of the two editions, as compared both with each other and with their predecessors, has been the main business of this paper; and the closeness with which the examination has been conducted makes it needless to add much in the way of general estimate. The joint labours of Mr Collier and Mr Knight have not only put at the command of the poet's readers almost every thing of real worth which had been done for him by others, but (it may safely be asserted) have gone several long steps in advance. The contributions of the two have not been of the same kind; but each has his peculiar merits, and each will find readers by whom his edition will be thought better than the other. From the opinions which we have incidentally expressed, it will have already been inferred where, upon the whole, our preference lies.

The value of Mr Collier's edition is great: but it is chiefly valuable as a storehouse of materials for others. It will be more useful to the bibliographer or the future editor, than to the student who desires to be guided towards the formation of just critical opinions of his own. The editor has performed well the duties which he himself holds to be of paramount obligation: but he is blind to the importance of other duties, which in the present state of criticism, and of our acquaintance with Shakspeare, an enlightened editor will believe to fall imperatively within his province.

On the other hand, both in plan and in execution, Mr Knight's edition, as a whole, appears to us not only to be worthy of representing, in its application to Shakspeare, the improved criticism of our times; but to be singularly valuable as a suggestive and instructive text-book for the study of the poet's works.

ART. III.—1. *The English Universities. From the German of* V. U. A. HUBER. *An abridged Translation.* By FRANCIS W. NEWMAN. Three volumes, 8vo. London: 1843.

2. *The Oxford University City and County Herald, of* Feb. 15, 1845.

THE early history of the University of Oxford is obscure. It appears to have consisted originally of a collection of teachers, united by no condition beyond mutual convenience, and subject to no discipline except the spiritual power of the Bishop of Lincoln, the diocesan, and the temporal jurisdiction of the authorities of the town. It was the interest of all parties, that each man's pupils should reside under his roof. Hence arose the boarding-houses, at first called Inns and Hostelries, and afterwards Colleges and Halls. The masters of these houses were the rulers of the little scholastic world. They selected a rector or principal to keep order among themselves, who afterwards received the name of Chancellor. But the important step, and that which raised Oxford from a Collection of Schools into a University, was their uniting for the purpose of ascertaining the progress of their pupils, and granting to them certificates of proficiency and licences to teach. These became, in time, the modern degrees of Bachelor and Master; the first of which gave the applicant merely a limited power of lecturing; the second, which was at first synonymous with Doctor, authorized him to teach generally, to preside at the disputations which were then the tests of knowledge, and to be Master of a House.

Thus grew up the form of university government which still exists. It is a mixed exclusive constitution. The Chancellor forming the monarchial element, the Heads of the Houses the aristocratic, and the other Masters and Doctors the democratic. The excluded, and, as is generally the case in exclusive governments, the larger part of the community, are the under-graduates and bachelors.

As the Heads of Houses were almost always ecclesiastics, and therefore deprived of lineal heirs, and separated by their habits from their collaterals, the houses must, from the beginning, have passed from owner to owner by way of succession rather than of inheritance. This suggested their incorporation. Recourse was had to the Crown, which exercised its prerogative in early times far more readily than it does now. The celebrity of Oxford attracted founders and benefactors. Large buildings were erected, and extensive estates attached to them. Corporations aggregate, consisting of master, fellows, and scholars, were created, who

were to enjoy their endowments, partly for the advancement of learning, and partly as instruments of perpetual prayer for their founders' souls. Such was the origin of Colleges.

The houses of education to which no property, beyond the land on which they stood, was attached, became the existing Halls, in which the Principal, by charter or by prescription, is a corporation sole.

Partly for purposes of education, and partly as a weapon in their constant contests with the town's people, the members of the houses obtained a charter incorporating them as a University, which, according to the custom of those times, was frequently repeated, and at length was solemnly confirmed by Parliament.

There exist, therefore, in Oxford, one corporation aggregate, the University, which includes among its members all the members of the other corporations; eighteen corporations aggregate, consisting of the members of the Colleges; and five corporations sole, consisting of the Principals of the Halls.

It does not appear that the Colleges have made much direct exercise of the right, which is incident to a corporation, of making by-laws, or, in Oxford language, statutes. Those which they received from their founders they have retained—we will not say obeyed; for the greater part of the Colleges violated their statutes systematically, and in many respects unavoidably. But the University, from the time of its incorporation, and perhaps from an earlier period, enacted statutes for the government of its own members as members of the University, and for the government of the Halls. With the internal government of the Colleges it has not ventured to interfere.

For several centuries statutes continued to be passed, often for mere temporary purposes, often inconsistent, and, from the absence of printing, little known, and frequently lost. After several ineffectual attempts had been made by his predecessors, Laud, while Chancellor, succeeded in reducing these rude materials into a consistent whole. With the assistance of a committee appointed by the University, he framed the code called the Caroline statutes. It was enacted by the heads of the houses, doctors, and masters, approved by Laud, and confirmed by the Crown.

By these statutes, the legislative power of the University was materially restricted. The right to explain, and of course, by implication, the right to repeal any statute sanctioned by the Crown, is refused, unless the consent of the Crown be previously obtained. An absolute negative is given to the Chancellor, and also to the Vice-chancellor, and also to the two Proctors. And the House of Convocation, consisting of doctors and masters, by

which every new statute must be passed, has no power of initiation or amendment. It can deliberate only on proposals made to it by the heads of houses, called, in consequence of their weekly meetings, the Hebdomadal Board, and must accept or reject them unaltered. When we add that, except by special permission of the Chancellor, the discussions are in Latin, it may be inferred that Convocation is not a place for debate.

By the Caroline statutes, all persons above the age of sixteen must, previously to matriculation, subscribe the Thirty-nine Articles of 1562; and every candidate for a degree must subscribe the three articles of the thirty-sixth Canon. By these three articles, this subscriber asserts—*1st*, the King's supremacy; *2dly*, That the Book of Common Prayer, and of ordering bishops, priests, and deacons, contains nothing contrary to the Word of God; and *3dly*, That he allows the Articles of 1562, and acknowledges all and every the Articles therein contained to be agreeable to the Word of God. The Canon requires the subscription to be in these words,—'I, A B, do willingly and '*ex animo* subscribe to these three articles, and to all things 'that are contained therein.' The Vice-chancellor is empowered to require any person in holy orders to repeat his subscription, and on his refusal or neglect, after the requisition has been thrice made, to banish him from the University.

The matriculation subscription is unexplained by any words. The Vice-chancellor usually states to the applicant for matriculation, that it merely signifies that he is a member of the Church of England. But he has no authority to declare this to be its true interpretation, and it is obviously open to several others. It may be an expression of universal belief—that is, that the subscriber believes every portion of what he has subscribed: or it may express belief general though not universal—that is, that the subscriber generally assents to the Articles, though he doubts, or even denies, some comparatively unimportant portions: or it may express no belief at all, but be a mere declaration of conformity—a mere engagement not to oppose the doctrines of the Articles, leaving their truth undecided.

The subscription on degrees is unambiguous. Every loophole through which a tender conscience might escape, is carefully guarded. The subscription is fraudulent if the subscriber thinks, or even suspects, that the Book of Common Prayer, or of ordination, contains a sentence contrary to the Word of God. It is fraudulent even if it be merely reluctant; *suspiria denotantur*. The subscriber asserts that *willingly*, and *ex animo*, he acknowledges *all and every* the Articles, that is, all collectively, and every one of them separately, to be agreeable to the Word of

God. As far as the words of subscription are concerned, intolerance and monopoly have done their work effectually.

But another question remains, according to what rule are the Articles to be interpreted? And this is not so simple a question as it appears at first sight. The subscriber declares his present belief in the facts and opinions stated and expressed by an instrument drawn up nearly 300 years ago. In the interpretation of that instrument, is he so to adopt the meaning which he supposes to have been intended to be conveyed by those who framed the instrument, or that which would be conveyed by an instrument now framed in the same words?

In ordinary cases, all that we search for in a document is the real meaning of the writer. It matters not how obscure may be his language, how much it may deviate from common use, or how much what we suppose to be his real meaning may differ from that which is apparent. The real meaning is all that we have to do with, and if we can decipher that we are satisfied. It is thus that we read the History and the Philosophy of antiquity. It is thus that we read the Scriptures. But when an instrument is framed by one man to bind another, the meaning intended to be conveyed by the former ceases to be the rule of interpretation. In the construction of such an instrument, the general rule is, that the meaning is to be collected from the instrument itself, and that its words are to be understood in their apparent signification; although there may be reason for suspecting, or even for believing, that the framer of the instrument used them in a different sense. Were the rule otherwise, men might find themselves subject to liabilities of which they had no notice. In a question as to the exposition of an Act of Parliament, the lawyer who drew it would not be allowed even to state what was his own meaning. After once the Thirty-nine Articles had been adopted by Parliament, the divines who drew them up could not have been permitted to explain them. And for this obvious reason, that if they had been so permitted, Parliament might have found that it had been entrapped into a Confession of Faith different from that to which it had intended to assent.

When applied to recent instruments, this construction occasions no difficulty. It merely forces those who lay down for others rules of conduct, or tests of belief, to express their meaning plainly. But when applied to ancient documents, without doubt it produces inconvenience. If the Thirty-nine Articles are to be interpreted according to their apparent meaning, they contain much that is obscure, and much that conveys to our minds very different ideas from those which it conveyed in the sixteenth century. It was the sense of this inconvenience that induced the Heads

of Houses, in a proceeding which we shall consider hereafter, to propose a statute which would have impliedly declared that the Articles are to be interpreted in the sense in which they were originally promulgated, 'primitus editi.' But to this rule of interpretation there is an objection that appears to us decisive. It would require from every candidate for a degree a double inquiry. First, what was the sense in which the Articles were originally promulgated; and secondly, whether so interpreted they are agreeable to the Word of God. Such an inquiry, conscientiously pursued, would fill the whole period allotted to academic labour; a period which seldom exceeds nineteen months. Instead of Aristotle and Cicero, or Homer, or Demosthenes, the student must work at Luther and Zwingle, and Calvin and Melancthon, and Eichhorn and Bohlen. Instead of philosophy, rhetoric, poetry, and history, the staple of Oxford education would consist of Oriental, Rabbinical, and Alexandrian antiquities, and polemical, scholastic, and dogmatic theology. At the end of his thirteenth term, the under-graduate would find that he had passed his three most valuable years, not in improving his taste, not in acquiring knowledge available in after life, but in becoming master of the religious and verbal controversies of the sixteenth century. And, after all, what is the probability that he would come to the conclusion, that the historical and metaphysical treatise to which we give the name of the 'Thirty-nine Articles,' is right on every one of the hundreds of disputed questions which it decides? If not,

> 'Ibi omnis
> Effusus labor atque immiti rupta tyrannis
> Fœdera.'

The degree for which all this labour, and waste of time, and of youth was undergone, must be renounced, and with that degree perhaps all the prospects of a life.

But there remains a third theory of interpretation, one which was proposed more than two hundred years ago, which has been lately revived by the Tractarians, and is now put forward in its most naked and unblushing form, by Mr Ward—namely, that the Articles are to be interpreted, not in their obvious sense, nor again in the sense in which they may be supposed to have been originally framed; but in the sense, whatever it be, which the subscriber, by a mental reservation, thinks fit tacitly to affix to them. This is the *non-natural interpretation.* It has the advantages of relieving the subscriber from all difficulty. A man armed with such powers of interpretation may laugh all tests to scorn. He has only to say to himself—'When I affirm that the Church of 'Rome has erred, I mean that certain persons who were members

'of that church—Luther for instance, and Cranmer, and Ridley, 'and Latimer—have erred. When I affirm that General Councils 'have erred, even in things pertaining to God, I mean that they 'have erred merely in non-essentials; in short, where I say black, 'I mean white, or at most grey;' and he may assent to any formula whatever. But he gains this privilege by the sacrifice of all honour, all veracity—all that enables men to confide in one another. What is there to distinguish the profession of faith made by a graduate from any other declaration, except perhaps the peculiar solemnity and deliberation by which it is preceded and accompanied? What better warrant have we for signing the Articles in a *non-natural sense* than for signing in such a sense any other statement, or any other engagement? When such conduct is avowed and defended by teachers, what can we expect from their pupils, but that they will keep their promises non-naturally, and give non-natural testimony?

For a long time the sounder part of the University looked on in silent shame. But when Tract Ninety appeared, the Heads of Houses published a resolution disapproving of 'modes of interpretation which reconcile subscription to the Articles, with 'adoption of the errors which those Articles were designed to 'counteract.' This, however, was a mere declaration of opinion; the opinion without doubt of a very respectable body, but unenforced by any statutory authority. At length when Mr Ward publicly defied the University—when he held himself out as an instance of the inability of her tests to exclude an avowed Roman Catholic—when he proclaimed his readiness to subscribe the Articles as often as they should be tendered to him, and, at the same time, his abhorrence of the Reformation and his adhesion to Romanism—the University accepted the challenge. The Hebdomadal Board, which possesses, as we have seen, the initiative in Legislation, resolved to punish the principal, or at least the most recent offender; and by rendering the test of subscription more stringent and more general, to arrest those who now manage to elude it.

For this purpose, on the 13th of December 1844, the Board issued a notice, summoning, for the 13th of February following, a Convocation, in which the three following measures should be proposed: 1st, A Resolution that certain passages in the Rev. W. G. Ward's Ideal Church 'are utterly inconsistent with the 'Articles of the Church of England, and with the declaration in 'respect of those Articles made and subscribed by the said W. 'G. Ward, previously to, and in order to his being admitted to the 'degrees of B.A. and M.A. respectively, and with the good faith 'of him, the said W. G. Ward, in respect of such declaration and

'subscription.' 2d, 'That the said W. G. Ward has disentitled 'himself to the rights and privileges conveyed by those de-'grees, and is hereby degraded from the said degrees respective-'ly.' 3d, A new statute amending the Caroline statute, which authorizes the Vice-chancellor to test clerical members of the University by requiring them to repeat their subscription. By the amended statute, the Vice-chancellor would have been authorized to put the test to every person, whether clerical or lay, and to require him previously to pledge his faith to the University, that he would subscribe all and each of the Articles in the sense in which he sincerely believed them to have been originally promulgated, and now tendered to him as a certain test of his opinions.

The last proposal excited disapprobation deep and almost universal. It was clearly illegal as an amendment of the Caroline statutes without the consent of the Crown—a consent which was not asked, and certainly would not have been given. It would have been mischievous, as subjecting a new and more numerous class of persons to an inquisitorial power, which is felt to be so hateful that it has not been exercised within living memory. It would have destroyed the distinction made by the Caroline statutes between subscription on Matriculation, and subscription on Graduation. It would have enabled the Vice-chancellor to test the doctrinal opinions of every member of the University, from the freshman to the senior doctor. It would have enabled him to stand with his test in his hand at the door of the Convocation house, and require every barrister, every physician, and every country gentleman, to state his belief in all and every of the Thirty-nine Articles on pain of expulsion. Every one who refused it was, in the classical language of the proposed statute, to be *exterminatus* and *banniatus.* And lastly, it would have sanctioned a new, and, as we have seen, a most mischievous rule of interpretation.

Each of the other two proposed measures was open to serious objections. The first asserted that the extracts from Mr Ward's book were 'utterly inconsistent with the good faith of the said 'W. G. Ward, in respect of his declaration on subscribing the 'Articles.' Now, Mr Ward's declaration was obviously no breach of faith, unless he disbelieved in the Articles at the time when he made it. But of this there is not the slightest evidence. The presumption is that he then believed them, or at least that, with the carelessness as to subscription which has prevailed up to this day, he signed them with a general feeling of acquiescence which he did not think it advisable to probe too deeply. Nor, of course, can it be said that his subsequent change of opinion was a breach of faith; for even in Oxford, opinion is not yet

treated as a voluntary act. That Mr Ward, in retaining as a Romanist the fellowship which he had obtained as an Anglican, was guilty of a breach of faith, is true. And it is also true that the immorality of this conduct was aggravated by the pretences under which he sought to defend it—pretences which, as we have seen, would destroy all confidence in human promises, and in human testimony. But this breach of faith, and this immorality, the indictment against him omits. With unhappy dexterity, the indictment charges him with a breach of faith of which he is probably innocent, and passes by one of which he is avowedly guilty.

The second proposition, the degradation of Mr Ward, was, we are inclined to think, illegal. In the first place, Convocation has no penal power. That power is vested in the Chancellor, or, in his absence, in the Vice-chancellor. And, secondly, the punishment inflicted by the Caroline statutes on those 'who 'think otherwise than aright on the Catholic faith, or on the 'doctrine or discipline of the Church of England,' is not degradation, but banishment.

The third proposition was withdrawn, and in its place was substituted a declaration, nearly in the words of the original declaration issued by the Heads of Houses on the appearance of Tract Ninety. 'That modes of interpretation evading rather than 'explaining the Articles, and reconciling subscription to them, 'with the adoption of the errors which they were designed to 'counteract, defeat the object, and are inconsistent with the 'due observance of the statutes requiring subscription.'

A full Convocation at Oxford is an imposing spectacle. The Theatre, one of Wren's noblest works, with its rostra and semicircular galleries, is admirably adapted to enable a large assembly to see and be seen, and to hear a person speaking from one of the rostra, or from the centre of the first gallery, though it would be unsuited to a debate in which men spoke from their places. It is fit for its purposes—solemn proceedings, and set speeches. On the 13th of February, it must have contained fifteen hundred persons, for nearly twelve hundred voted, and the neuters must have exceeded three hundred. After the first resolution had been read, Mr Ward was called on for his defence. He requested to be allowed to speak English, and this permission was granted to *him*, and to him only; the Vice-chancellor probably thinking that there was more to be lost than gained by discussion.

To those who did not know the state of Mr Ward's domestic relations, or that the tragedy was after all to end like a comedy—by marriage—his speech in defence must have appeared unaccountable. It was exceedingly well delivered; boldly, clearly,

with great self-possession, perhaps too much, for the ease sometimes approached flippancy; but the matter seemed intended *auditores malevolos facere.* Every statement and every inference that could offend their prejudices, irritate their vanity, or wound their self-respect, was urged with the zeal of a candidate for martyrdom.

In deference, he said, to the advice of his Lawyer, he stated that his opinions had entirely changed since his subscription; and, even if the case had been otherwise, he denied the legal right of Convocation to punish by degradation. These matters, however, (which were the strong points of his case,) he passed over briefly. He then restated his full assent to all the doctrines of Rome; he restated his readiness to repeat his subscription; he repeated that he believed, and was ready to subscribe the Articles in a *non-natural* sense, and he affirmed that the *imponens* of subscription, whether the Church, or Parliament, or the University, for he left it in doubt which of these was the *imponens,* intended that they should be so subscribed. For that if the *imponens* did not so intend, he must have intended that they should not be subscribed at all. He contrasted the Articles in their natural sense with the Prayer-book, with one another, and with the common feelings and opinions of mankind; and then put it to his hearers, High church and Low church, Calvinistic and Arminian, whether their subscription was not as non-natural as his own.

The prohibition of English had its intended effect. Only one speech was attempted in Latin. In consequence of the position of the speaker in the area, and pressed on by a dense crowd, it was impossible to distinguish more than that he opposed the degradation on the ground that Mr Ward's errors, if errors they were, were not the errors of infidelity. 'Nil dixit,' he exclaimed, 'Dominus Gulielmus Ward, contra Deum Optimum Maximum; 'nil dixit contra Dei Filium unigenitum; nil dixit contra Spiritum 'Sanctum.' In other words, he said my client never stole a lion; he never stole an elephant; he never stole a tiger. That may be true, would be the answer; but he is indicted for stealing a sheep. His innocence, which we thoroughly believe as to lions, tigers, and elephants, has nothing to do with the question of sheep-stealing.

The first resolution was carried by 777 to 391. The second, by 569 to 511. Had Mr Ward been silent, it would probably have been rejected.

The third resolution, condemning non-natural modes of interpretation, was put last. But now the two Proctors rose, and uttered (or seemed to utter, for in the uproar which accompanied their

rising, no individual voice could be heard) the words which, except on one memorable occasion, no one now living ever before heard pronounced in Convocation. *Nobis Procuratoribus non-placet.* Whereupon, without any formal dissolution—indeed, without a word more being spoken, as if such an interposition stopped all business—the Vice-chancellor tucked up his gown, and hurried down the steps that lead from his throne into the area, and thence out of the theatre; and in five minutes the whole scene of action was cleared.

Thus of the three propositions submitted to Convocation, the first and second, against each of which there were grave objections, have been carried. The third, to which we should have supposed that every man of common veracity would have assented, has failed. It is said that Mr Ward means to appeal as soon as he has found out a Visitor; and that the Hebdomadal Board will propose again the rejected resolution as soon as there are fresh Proctors. If both these things take place, we think it probable that two at least of the decisions of the 13th of February will be reversed;—that Mr Ward will be restored, and non-natural interpretation censured.

We must warn, however, the majority of Convocation not to fancy that, by degrading Mr Ward, or by censuring non-natural interpretation, they have advanced towards giving peace to the University. We are convinced that, for that purpose, they must move in a totally opposite direction. The joint exertions of the Tractarians and the Hebdomadal Board have evoked a spirit who appears only at long intervals, and whose appearance, while he is in activity, is ever marked by dissension and ruin—the spirit of Nonconformity.

The tranquillity of the Georgian period is over. During those halcyon days men subscribed the Articles upon trust, and as a matter of course. Hereditary and avowed Protestant Dissenters and Roman Catholics were excluded; or, to speak more correctly, they never thought of presenting themselves. But no under-graduate member of the Church of England was troubled by a doubt. The distinction between subscription at matriculation, and at subscription at degrees, was little thought of, and indeed little understood. The three articles of the thirty-sixth Canon, on which the binding force of subscription depends, are not to be found in the University statutes, or in any of the ordinary editions of the Thirty-nine Articles. They are not even alluded to in the work which is the Oxford text-book on the Thirty-nine Articles—Prettyman's 'Theology.' We doubt whether one-tenth or one-twentieth of those who have subscribed the thirty-sixth Canon, were aware, three months ago, of its exist-

ence. But this ignorance is at an end. Every candidate for a degree will now be aware that he has solemnly to declare that he objects to nothing in the Prayer-book, and that he acknowledges *all and every* the Thirty-nine Articles to be agreeable to the Word of God. Many, without doubt, will think that they cannot afford to keep a conscience, and will sign blindly without inquiry, lest inquiry should seduce them into doubt. But of those who will feel it their duty to inquire, what proportion will find the result to be universal and perfect conviction?

Some will think it impossible to reconcile the Calvinistic dogmata of the Articles with the Arminian colour of the Prayer-book. Others will be startled at the doctrine, that whoever will be saved it is *above all things* necessary that he hold the Catholic faith. They may doubt whether benevolence and justice may not be even more conducive to salvation, than right notions as to the mysteries of substance, person, and procession. Few will be able to affirm that all who disbelieve, or who doubt any portion of that faith—all members of the Greek church—all Arians and Socinians—all mankind, in short, except the comparatively small portion of the world who are orthodox Trinitarians, 'without 'doubt shall perish everlastingly;' and many will find difficulty in persuading themselves that the damnatory clauses are not part of the Athanasian creed.

Some may be inclined to think it probable that every 'man '*will* be saved by the law or sect which he professeth, so that he 'be diligent to frame his life according to that law, and the light 'of nature.' Others, though they may admit this doctrine to be erroneous—though they may admit that a virtuous Socinian or Mahometan will be saved in spite of his law, and not *by* it—may not venture to pronounce *accursed* all those who presume to hold it. Some may think it possible that works of charity or self-devotion, though done before the grace of Christ, may be pleasing to God; and many will doubt whether they 'have the nature 'of sin.' Some may doubt whether it be true that the forms of ordination contain nothing superstitious. They may question the right of the ordainer to say to the intended priest—'Whose 'sins thou dost forgive, they are forgiven; and whose sins thou 'dost retain, they are retained.'

Others may think the Article on a Christian man's oath, a non-natural explanation of the text—'Swear not at all.' Others, again, may be unable to make up their minds as to the political theories of the thirty-seventh and twenty-first Articles. They may doubt whether the Queen's prerogative is, that 'which we 'see to have been always given to all godly princes in Holy 'Scriptures by God himself.' Some may think that her Ma-

jesty reigns by virtue of the Act of Settlement rather than by Divine right, and others that there is some danger in making a Sovereign's title depend on his godliness. Others, again, may doubt the lawfulness of capital punishments; others that of wars; and others, again, whether it be true that General Councils may not be called together without the commandment and will of Princes.

Besides their doctrinal and political speculations, the Thirty-nine Articles indulge in historical and philosophical assertions. Is it certain that the Old Testament contains offers of everlasting life? Is it certain that the old Fathers, among whom the authors of Job, of Ecclesiastes, and of the Psalms, of course, are to be included, did not look only for transitory promises? We always supposed that the Divine Legation proceeded on the contrary assumption. Is it certain that those who arranged the Canon of Scripture were right when they included Ecclesiastes and Cantica, and excluded Ecclesiasticus? Is it certain that the Second Book of the Homilies contains a godly and wholesome doctrine necessary for the sixteenth century? We know that Dr Arnold was at one time incapable of subscribing, in consequence of a doubt whether the Epistle to the Hebrews did or did not belong to the apostolic age. May not the same doubt afflict others?

We have, we fear, tired our readers, and yet not mentioned one hundredth part of the questionable points with which the Articles swarm. And, we repeat, what is the probability that all candid inquirers will arrive at the conclusion, that *all and every* of them are agreeable to the Word of God? Will one half arrive at that conclusion? Will one quarter? Will one tenth? And what is to become of those who do not? Are they to give up the honours, the privileges, and the emoluments of the University, or are they stubbornly to beat down their consciences, and sign against their will and their conviction? From this time the thirty-sixth Canon will be a grating which will admit the careless, the dull, the ignorant, and the unprincipled, to the degrees, the fellowships, the tuition, and the government of the University; and will exclude the diligent, the acute, and the conscientious.

We feel, and have again and again expressed indignation at the subterfuges by which the test is evaded—we feel much more against the intolerance by which it is imposed. The dishonesty of the slave is only despicable; the cruelty of the tyrant is hateful. All Great Britain was roused, a few years ago, by stories of the mischiefs of Factory Labour. We were told that those who had been subjected to it in youth, grew up stunted or distorted. And the interposition of the Legislature was required

and granted. But is not the stunting and distorting the mind a still more mischievous oppression? And can the intellect be more effectually depressed and warped, than by being tempted to seek nothing but premises for pre-appointed conclusions? or the moral feelings be more effectually depraved, than by being engaged in constant internal conflicts in which success cannot be honestly obtained?

To a certain degree, experience assists us in estimating the probable influence of such an education, by comparing the effects of a comparatively lax with a comparatively strict test. For many years past, Cambridge has been subject to the former, and Oxford to the latter. It is true that Cambridge is subject to the severer test inflicted on Heads of Houses by the Act of Uniformity; but she herself imposes no test, except a declaration previously to a degree, that the candidate is a *bonâ fide* member of the Church of England. And it is true, also, that the Oxford test has not attracted, in times past, the attention, and consequently has not exercised the influence, which, we believe, will belong to it in future. However, though neither the freedom of Cambridge, nor the slavery of Oxford, has been complete, they have been sufficient to give some indication of the probable results of each system.

We believe that few Oxonians will be bigoted enough to deny, that at the bar, on the bench, in science—in short, wherever success depends on moral and intellectual vigour and independence, Cambridge now has, and long has had, the decided superiority. Nor does this superiority appear to have been purchased, by letting in the errors and the dissensions which it is the supposed office of tests to shut out. Cambridge has been at least as successful as Oxford in excluding the inroads of Romanism. No establishments for conversion have been erected in her neighbourhood. Her fellows do not declare their abhorrence of Protestantism. None of her tutors have been ever suspected of lecturing on the modes of explaining away its doctrines. It is *safe* to send a young man to Cambridge. She has been at least as successful as Oxford in preserving the internal peace of her society. She has not passed a statute declaring her utter distrust in the orthodoxy of the most learned and the most acute among her professors. She has not inflicted on another, less distinguished but still eminent both in station and in learning, a penal suspension from his functions. Her combination rooms are not hostile camps, nor her colleges or her pulpits instruments for the propagation of contradictory precepts. Her public lecture-rooms have not become deserts—nor her divinity schools scenes of wrangling. No Head of a House has posted in his Hall a notice, that all who presume to attend the lectures of the Regius

Professor of Divinity will be denied testimonials for orders. No candidate for her degrees has brought a legal action against his examiner, and forced the University first into a suspension of her accustomed modes of examination, next into an abortive attempt to legalize them, and at last, into a recurrence to the old monkish forms of disputation. She summons no Convocation to pass *privilegia* against her members. Her Vice-chancellor is not assailed by defiances from graduates demanding to be degraded. She does not exhibit, in short, the symptoms which precede political dissolution.

How, then, is Oxford to escape the fate which the intolerance that enacted the Caroline statutes, and the apathy not unmixed with intolerance that has preserved them unrepealed, seem to prepare for her? If there were any use in suggesting a course which we know will not be adopted, we should say, by following the advice of Dr Hampden,* and abolishing all tests except those which Parliament has imposed, and which Parliament, therefore, alone can remove. The next best expedient would be to follow Dr Paley's advice, and change subscription from a profession of faith into an engagement of conformity. If, as we fear is the case, the *genius loci*, the present temper of the place, renders this impracticable, as a last resource the plan might be adopted which has apparently succeeded at Cambridge. No test should be required on matriculation; and no test previously to a degree, except that the candidate is a *bonâ fide* member of the Church of England. An engagement might be added to withdraw from the University on ceasing to hold the doctrines of the Church of England, and a tribunal created to decide on any imputed breach of this engagement. To decide such questions by ψηφίσματα, by judicial acts performed by a deliberative assembly, is revolutionary. It is an imitation of the worst practices of the worst democracies. Under such an arrangement, no one would be necessarily excluded from the studies or the honours of the place. A Dissenter, or a Roman Catholic, if he thought fit to comply with the usages, and receive the instruction of his College, might pass his examination, and be enrolled in a class, and obtain an under-graduate's prize. But he would be excluded from a degree, and therefore from the government, and, generally speaking, from the emoluments of the University. The sincerity of a graduate's declaration must be left to his own conscience; but, if he broke his engagement of conformity, the proposed tribunal would afford a remedy, which it will soon be found that Convocation does not.

* *Observations on Religious Dissent*, p. 39. 1834.

ART. IV—1. *Rapport fait à la Chambre des Paris.* Par M. le DUC DE BROGLIE, *au nom d'une Commission spéciale chargée de l'examen du Projet de Loi rélatif à l'Instruction Sécondaire.* Paris: 1844.

2. *Des Jésuites.* Par MM. MICHELET et QUINET. Paris: 1843.

'THE reader will remember' (so say Messrs Michelet and Quinet, in the preface to the fourth edition of their little work) 'under what circumstances this book was published. 'The two authors, doubly united by the ties of friendship and 'opinions, are both Professors in the *Collége de France.* Their 'lectures were disturbed, last Spring, by noisy expressions of dis-'sent, which threatened to produce a scandalous disturbance. 'They had been engaged in commenting on the spirit and in-'fluence of the different Religious Orders. They had treated of 'the order of Templars, and they were then treating of the So-'ciety of Jesus—of its constitution, of its origin, of the part which 'it has performed, and that which it still performs in the affairs 'of the world. The opposite party wished to reduce them to 'silence; but the two Professors triumphed over this illiberal 'violence. They had the right of speaking according to their 'conscience, and they have spoken.'

Let any one who remembers France and Paris, such as they were only twelve years before the spring of 1843, in which these Lectures were given, reflect for a moment on the extraordinary nature of the change which these few words indicate. Let him remember the factious placards which filled the streets, the caricatures in the shop windows, the songs which every theatre and every place echoed. Let him remember Charles X. and his family flying from the enraged multitudes, which regarded him even less as a sovereign who had violated his engagements, than as an incarnation of Jesuitism. Let him remember the sack of an Archbishop's palace, and the destruction of his library, by a mob which would have been puzzled to assign any more distinct cause of quarrel with the Prelate, than is contained in the couplet shouted by the Gamins in the van of the attacking column—

> 'C'est l'archevêque de Paris
> Qui est un Jésuite comme Charles Dix!'

Let him recall the timid, half-supplicating looks of the shrinking figures which might be seen shyly traversing the streets in clerical costume, like beasts of chase stealing from one covert to another; and the scowling countenances, generally

of men whose years and appearance reminded the observer of the first Revolution, which seemed to dog them as they passed, with unmitigated though triumphant hatred. Let them remember, perhaps more significant than all the rest, the eagerness with which the few who had courage enough to say a word on behalf of the exiled family and defeated party, were wont to lay the blame of all their faults on the clergy; and specially on those representatives of all that was detested and despised in the clergy,—the common scapegoats of all political parties, the 'men 'in black from underground,' the children of Loyola. And now, in May 1843, two of the most eminent Professors in the *Collége de France* are interrupted in a course of Lectures directed against the Jesuits, by such determined opposition, that it is only through the strenuous exertions of their own partisans that they are able to put down the uproar and proceed. The liberals had the best of it, but only by a majority. 'Our adversaries (says M. Michelet) 'were able to perceive, by the attitude of the silent 'multitude which filled all the courts of the *Collége de France* 'on the 18th of May, that it would be dangerous to tempt any 'longer the patience of the public. The silence was complete. 'An individual suspected, perhaps wrongly, of an attempt at 'interruption, was *passed from hand to hand*, and expelled from 'the hall in a moment. Since that day, order has not again 'been disturbed.' Changed indeed must the times be, when the Jesuit party can maintain such a fight, although unsuccessful,—in the very centre of the liberal youth of France, in the Lecture room of the College which has long been regarded as the special nursery of revolutionary doctrine.

As for these joint Lectures of the two learned and enthusiastic Professors, we are bound to say that they contained much to justify the partisans of the Church in their energetic protest. They made a great sensation during the popular excitement on this subject in the year 1843. But so rapidly do the fluctuations of controversy succeed each other in French society, that the work has already completed its 'run' at Paris, though it may yet be new to some of our readers on this side the Channel. We shall therefore be brief in our notice of it. As for M. Michelet, the Carlyle of Young France, his indignation is so imaginative, the objects against which he directs it so strangely transformed and unrealized by the halo which his strong fancy throws around them, that his rhapsodies impart rather the exciting sensations of romance, than the vehement feelings of real controversy. He seems now to have fairly broken with his old love—transcendental Catholicism. In his last work, with the piquant title *Le Prêtre, la Femme, et la Famille,* the

reader will find much grave Protestant doctrine conveyed under the airy shape of sentimental declamation; but to reconcile M. Michelet of the 19th century with M. Michelet of the 12th—the adorer of Saints and Cenobites, School Doctors and Begging Friars—is a task beyond our powers, and means of information. M. Quinet's faults are of a more serious kind. That his long and angry pamphlet should have been read in the shape of Lectures in the *Collége de France*, does not tend to raise the ideas which a foreigner may have conceived of the tone of education in that eminent establishment. Better had his wholesome indignation been tempered with a little mixture of justice, not to say accuracy. Better had he made himself acquainted with the language in which the Jesuit *Institutes* are compiled—the scholastic Latin of Loyola's time—before attempting to deduce moral conclusions from them. Such translations as 'de ente rationis,' 'of the idea of 'being'—'predicamentum substantiæ,' 'la pensée de substance,' (p. 265,) would hardly have passed current in the Pays Latin in the days of darkness, three centuries ago. And his suppressions and distortions of the truth appear to be far worse than his mistranslations; but it would exceed our present limits to notice them at length. The reader will find them very fairly exposed in a pamphlet of Father Cahour—*Les Jésuites, par un Jésuite*; the work of a man of some talent, and written in the placid, unctuous style of a Jesuit gentleman of an hundred years ago. Attacks at once so violent and so feeble, only give an easy triumph to the enemy assailed. Messrs Michelet and Quinet could have devised no better mode of furthering that dreaded 'reaction' which haunts the imagination of their liberal friends.

And it is difficult, no doubt, to over-estimate the reaction which has taken place in favour of the Church, in the great part of French society. How far it is durable, how far it rests on any solid basis of belief, and how far it is connected with political causes and with mere faction, is a matter far beyond the bounds of our present enquiry. Nor are we concerned to estimate the real strength of those mysterious personages, the Jesuits, who hold as prominent a place now in the imagination of philosophic France, as ever they did in that of Protestant England in the days of Titus Oates. Whether the Jesuits, as an actual living society, possess in these days all the importance attributed to them; whether they do really keep a register of the family secrets of all people of wealth and consequence, employ secret agents in every department of society, shut up countesses in convents, and inveigle young ladies of too exuberant spirits into madhouses, as we read in fashionable romances, we do not

care to enquire. As the existence of Jesuits in France is illegal, (under the law against associations,) their numbers cannot very well be ascertained. According to one of themselves, M. Ravignan, there were 206 'professed Jesuits' in France in 1843. M. Michelet at the same time, on the authority 'of a person 'who considers himself well informed,' estimates their number at more than 960: at the time of the Revolution of 1830, there were only 423. 'These thousand men have performed in twelve 'years a prodigious work. Beaten down in 1830, crushed and 'levelled with the ground, they have risen again unperceived by 'any one. Not only have they risen again: but while men were 'asking whether there were any Jesuits, they have carried off, 'without difficulty, thirty or forty thousand priests, and are lead'ing them—God knows where! "Are there really any Jesuits?" 'Many a man asks this question, whose wife they already 'govern through a Confessor at their service—his wife, his 'household, his table, his hearth, his bed—To morrow, they 'will have his child!'

To-morrow they will have his child; and make him even as one of themselves—spiritless, cowardly, false; a sycophant and an informer; the slave to an abject superstition; the victim of a superficial, routine education, which gives no time, no room, for the energies to develop themselves, offers no sustenance to the heart, drowns the intellect and imagination, and poisons the affections. Such is the cry of the liberal party in France, or rather of that portion of it which is engaged in defending the species of monopoly at present enjoyed by the University—that is, the Government—in the matter of education. Save us from that monopoly, is the counter watchword of the Church party. If the state will maintain an institution founded on irreligious principles; if it will pension Pantheists and Materialists, and place them at the head of public education; if, in its horror of the priesthood, it prefers to keep up an establishment of its own, founded on the cold negation of all religion; so let it be, till a better day shall have dawned on France, and improved public feeling shall call for the total subversion of so unnatural a system. But, in the mean time, let not those who disapprove of it be forced to peril the immortal souls of their children; let them enjoy the choice of their own teachers, while they contribute as citizens to the salaries which the State pays its Pagan favourites.

Liberty of Education is, in short, the watchword of one party in the very important quarrel which has recently agitated France, and will shortly agitate it again. Liberty of Education answer the others as regards secondary instruction, (which, in the words

of the first article of the Projet de Loi adopted by the Chamber of Peers last session, comprises 'moral and religious education; 'the study of ancient and modern languages, philosophy, his- 'tory and geography, mathematical and physical science, so far 'as these serve for a preparation for the examinations for the de- 'gree of Bachelier en Lettres, or for admission into the special 'schools:' in short, the education of our preparatory and public schools for the higher classes,) means, in the present situation of France, the surrender of Education to the Clergy; and for this purpose the clergy are the Jesuits. All exaggerations apart, the question is not merely one of deep interest as to the future intellectual being of the leading nation of Europe, it involves also considerations of much import for ourselves, as well as other countries; for nowhere is the problem of the relative duties of State and Church in the matter of public education less fixed in theory, though the peculiar elasticity of our social system seems to render the need of a practical solution less pressing than elsewhere.

A very few words will suffice to give the general outlines of the present system of Education in France, excluding for the present, what we are not now concerned with, the state of primary or popular education among the mass of the people. In the crash of public institutions which took place at the Revolution, none, perhaps, were so utterly broken to pieces as those which related to education. Old universities, colleges, and foundations, rich, manifold, and as curiously invested with intricate and conflicting rights, went utterly to the ground. The times of the Republic saw nothing but the promulgation of a number of theories, most of them extravagant, but some of real value: we believe that the idea of Normal schools, for example, now so extensively realized, was first suggested to the Convention. The University of France is the work of Napoleon; and none of his works present more distinctly the Imperial type, nor has any, the Code itself not excepted, exercised so important and durable an influence on the society which he governed. It was by a law of the 10th March 1806, that he announced the design of forming, 'under the name University, a body exclusively 'charged with public instruction and education throughout the 'Empire.' Fourcroy, the Chemist, was the principal workman employed in the construction of a machine to suit the views of Napoleon. Twenty-three times, according to his biographers, was he obliged to recommence the task, the Emperor having as often interfered to suggest alterations. The time fixed for its completion was the session of the *Corps Législatif* of 1810; but Napoleon could not wait so long for the accomplishment of his

desires. In this, as in so many other of his great undertakings, he was urged onward by the presentiment that the time allowed him was short, and the work great. The decree for the foundation of the University was dated the 17th March 1808. Its first provisions are, that 'no school, no establishment of in'struction of any kind can be formed out of the University,' (hors l'Université) 'and without the authorization of its chief. No one 'can open a school, or teach publicly, without being a member 'of the University, and graduated in one of its Faculties.' The effect of these fundamental provisions has been, as it was intended, that the 'University' is the aggregate of all the bodies and individuals charged with education throughout the Empire; that all masters of schools and colleges, public and private, are persons graduated in one of the Faculties of this great body; and, secondly, that all such establishments are subject to the inspection and control of the minister of public instruction, who is himself placed in close connexion with the governing body of the University.

One exception alone was originally established to this general law. It regarded the schools destined for the special education of the clergy; or Seminaries, as they had been called for some centuries in Francé. It will be remembered, that at the period of the foundation of the University, Napoleon was enjoying the first-fruits of his long courtship of the Catholic Church and its head, afterwards so rudely interrupted. 'Catho'lic principles' were the order of the day. Chateaubriand dedicated his *Génie du Christianisme* to the Jacobin Emperor. Napoleon himself loved to hear Fontanes, and a few other favourites, discuss points of theology with courtier-like moderation, and now and then threw in an approving word or gesture, when the tenets of faith and obedience were placed in the proper point of view. He placed the inferior clergy, bound hand and foot, at the mercy of the Bishops, whom he regarded at this time as useful instruments. To them he also confided the control of the education of their own profession. As a statesman, he saw the necessity of this infringement of his general principle. There is abundant reason why the education of the clergy in Romanist countries should be conducted apart from that of laymen, and under a vigorous and peculiar discipline. The candidate for the priesthood, generally speaking, can only be rendered fit for that complete isolation from domestic life which is to be his lot, by early and total separation from the world. It will not do to prepare him to resist temptation: he must be kept as far as possible ignorant of it. His education, it has been truly said, must be conducted on the same principles (and for the same

reasons) as that of females of the higher classes. The fundamental law, therefore, declares that 'Instruction in the seminaries depends on the archbishops and bishops, each in his diocese. 'They appoint and renew the directors and professors. No 'other school,' (it is added,) 'under whatever denomination, can 'exist in France, if it is not governed by members of the University, and subject to its regulations.' The exclusion of the seminaries from University jurisdiction is said to have been the Emperor's own suggestion.

The University was launched with all the theatrical dignity which Bonaparte had learned from the men of the Revolution. Fontanes was the first 'Grand Master'—an imposing phrase-maker, of the sort which Napoleon loved. No man could better turn a neat compliment to religion and the Emperor in a single phrase, the subjects of course ranking in due precedence. In his leisure moments at Schoenbrunn, after the campaign of Wagram, Napoleon undertook to invent a costume for his University; and dressed his friend Fontanes in 'a violet silk symar,' with plenty of gold lace and ermine. But notwithstanding the imperial millinery, and a powerful staff of first-rate ability, the new institution gained ground very slowly in France. It was little popular from the beginning. The outline of the machinery was complete—the work to be done was wanting. There was an army of inspectors, without schools to inspect. The old scholastic system was destroyed; the practical difficulty of reconstructing it was too much for men of the calibre of Fontanes. Altered times, also, followed: the Emperor quarrelled with the clergy, on whose co-operation he mainly relied for the purpose of civil education, and the favour which he now showed to the half-military system of 'Lyceums' materially interfered with his own favourite project. Still, the establishment maintained itself. It underwent various modifications under the Restoration, but none which materially interfered with its working, or altered the first grand idea of Napoleon. The 'Grand Master' was replaced by a 'Royal Council of Public Instruction.' This body, in Louis XVIII.'s time, was mainly composed of a class who have often been eminently useful in France, though rarely popular—those whom Napoleon detested as 'Ideologists,' the friends of Madame de Stael;—such as Royer Collard, De Sacy, Raynouard; while the 'College of France' (an institution quite distinct from the University, although subject of course to its general control) gave utterance to the more powerful and popular voices of Villemain and Guizot. Liberal ideas began to prevail in all departments of education; and it may be said, in brief, that the tone of thought and opinion which

brought about the Revolution of 1830, so far as that event was the work of the higher classes, was chiefly nursed in the University of Napoleon and Louis XVIII. The constitution of the University has been already briefly noticed. Its present condition may be partly judged of from the following statistics. It has 46 Royal Colleges in connexion with it, containing about 20,000 pupils; 312 'communal' colleges, institutions of inferior character, with 26,000 pupils; 2250 'bourses' or foundations for students. Its professors are chiefly elective. It draws funds from the State to the amount of about eleven millions of francs.

Let us now turn to the antagonist power. Not many years had elapsed after the Restoration, before a new class of enemies began to sap the fortifications with which civil policy had intrenched the University. Catholicism was regaining its lost ground in France. The education given by the State authorities was denounced as irreligious in the circles of superior orthodoxy. There was only one legal way by which the stringency of the law on which the monopoly rested could be evaded; and the party of the priesthood were not slow in availing itself of it. The Seminaries were the engines by which the ancient empire of the Church over the youth of the nation was to be regained. Although intended simply for the education of the clergy, no precise rules existed by which they could be distinctly limited to that purpose. The pupils who left them could not be prevented from embracing the world, if they were so disposed. Numbers of pious persons, who were really apprehensive of the tendencies of the public places of education, resorted to this substitute; and all the art of the priestly order was employed to increase their number. Many of the seminaries, altogether losing the original character of their institution, began to assume that of colleges. Then the Jesuits—those Jews of the clerical order, whom persecution cannot extinguish nor penal laws exclude—crept stealthily back to their ancient post, the control of instruction. They did not attempt to rival the secular institution in respect of science or serious literature. They made it rather their object to win the world over through those qualities which the world estimates according to their false brilliancy. They endeavoured to shine by a polite and elegant as well as devout education, and by sedulous attention to mundane accomplishments. Their schools were at once religious and gentlemanlike. They taught, with no common success, how completely fashion was on the side of piety—how very vulgar a thing, independently of all spiritual considerations, infidelity really was. Montrouge became the indispensable place of education for the pure aristocracy, and for the higher portion of the place-hunt-

ing class. The Jesuits of this period, as their admirer M. Capefigue confesses, were not very strong in educational talent of the higher order: they had degenerated. But he praises the exquisite prettiness of their devotional works and exercises; the skill of their pupils in riding and fencing: 'la capacité gouvernementale' of Father Ronsin, and 'la politesse infinie, le ton des 'bonnes manières,' of Father Grivel. But, to borrow an observation of M. Génin, the author of a very able pamphlet on this controversy, *Les Jésuites et l'Université*,—'it seems 'as if monks are always destined to fall, and always for the 'same reason; because they make their spring too soon.' The Jesuits, for the hundredth time, were destined to furnish an example of the truth of this saying. They began rashly to mix once more in political circles; they surrounded the person of Charles X., and became the leaders of the new conservative movement. Then the usual reaction followed. Their own imprudence, and the steady enmity of the old liberal party, roused France to arms against them. They had meddled in making ministries; the mere suspicion of connexion with them was now enough to overthrow one. The Martignac government came in, and a system of concession to the popular voice began. It was discovered that a body, whose very existence was an evasion of the law, had, by another evasion of the law, surreptitiously obtained the direction of many of the secondary ecclesiastical schools throughout the country, and was especially protected by several of the bishops. The moderate clerical party, or 'Sulpicians,' so long represented by the eloquent Frayssinous, the remnant of the old Jansenists, and the adherents to Gallican tradition, all made common cause against these Ishmaelites. Leo XII. was disposed to protect them; but Portalis, accustomed to political diplomacy, attacked the Holy See on its weak side, by representing the conduct of the French Bishops in supporting them as an assertion of personal independence; the merest hint of which is sufficient at all times to excite the jealousy of the Vatican. The poor harassed King's consent was obtained more easily than was expected, though he declared, as Ganganelli had done, that his signature to the decree for their expulsion had cost him more than any other act of his life. The holy fathers shook off the dust of their feet for a testimony against France, and took up their quarters in the neighbouring states—establishing their chief camp of observation on the French frontier, at Friburg in Switzerland.

The immediate consequence of this change was the enactment of certain decrees in 1828, by which the rights of the higher seminaries were considerably restricted. It would fatigue the English

reader to detain him over the details of this law, and of its subsequent alterations. Suffice it to say, that the general result was to deprive these ecclesiastical schools of the power of giving certain certificates and degrees, which they had previously been able to confer, without recourse to the University, and thereby to confine them, far more closely than heretofore, to their special character of schools for the clergy. The *petits séminaires* (to use the popular but not legal name of the schools for younger children under ecclesiastical superintendence) could send only a limited number of pupils to the *grands séminaires.* And if the pupil, educated in a seminary, abandoned, on quitting it, the career of the Church, he could not enjoy the legal franchises which follow a degree without passing through University hands, and submitting to a new course of instruction for a specified time. This was a real hardship; it has been modified, we believe, by the Project of Law of last session; and, as government is evidently willing to concede to the ecclesiastical body on this point as far as can be done with safety, we need not dwell upon it further.

To return, however, to the Jesuits. It was not to be supposed that they who had survived thirty-nine expulsions by different governments, would be seriously damaged by the measures of M. Portalis. The Revolution of 1830 was a much heavier blow for the time; but the reaction which followed it amply repaired the loss which it occasioned. We have not space, nor sufficiently accurate materials, to trace, step by step, the operations of this remarkable body and their allies, during the first ten years of the present reign. Let us content ourselves with the sarcastic sketch of the usual progress of a modern Jesuit colony, given by M. Libri, an able and temperate writer; and therefore the more obnoxious to the coarse vituperation of the clerical press:—

'Ils se sont établis dans le plupart des dioceses par de petites communautés qui ordinairement se composent d'une vingtaine d'individus au plus. Les maisons de Paris ou de Lyon contiennent seules un plus grand nombre. Voici comment ils procèdent pour s'établir dans une ville. Un beau jour arrive un ecclésiastique, doux, simple, insinuant, et muni de bonnes recommandations. Bientôt il offre de prêcher gratuitement dans l'église principale. Le conseil de fabrique ne demande pas mieux, naturellement, que d'avoir un prédicateur sans bourse délier. L'offre est acceptée; elle se renouvelle; et le Jesuite prolonge son séjour, au grand contentement des douairières de l'endroit. Au bout d'un certain temps arrive un camarade, puis un second, puis un troisième; alors on ne peut vivre isolément, et l'on demande à l'évêque la permission de se réunir, et d'avoir une église. A ce moment, la maison est fondée; elle accroît rapidement, et rien ne saurait l'ébranler.'—(*Lettre sur le Clergé, et sur la Liberté d'Enseignement,* 1844.)

Whatever may be the real elements of this movement in favour of the prohibited order, there can be no doubt that a subsidiary cause, of great importance, is to be found in the favour shown by the government of Louis Philippe towards the high or ultramontane party. We have mentioned already, and it will appear more distinctly hereafter, that the old national or Gallican spirit of the ecclesiastical body has been decaying for many years in France. Each new generation of priests recedes more and more from the school of Bossuet, and approximates to that of the Jesuits. Instead of endeavouring to counteract this tendency, the government threw all its influence into the same scale. Its first dream was, to consolidate its authority at home by making allies of the priesthood. The second and still more characteristic project was the extension of French influence abroad by means of Catholic missions. Every indulgence which could be shown, without arousing the jealous spirit of the liberal party, has therefore for several years been vouchsafed to the High Church faction. And this could be done with the greater ease because the religious and political world in France are in general so utterly distinct, that the one knows next to nothing of what passes in the other. It would have astonished many a French patriot to be told—what was literally the fact—that the law of 1801, which requires persons appointed to bishoprics to be examined by two French ecclesiastics appointed by the government, had been for some years dispensed with by that of Louis Philippe, and the examinations conducted by the Papal Nuncio. The bishops were taken accordingly almost to a man from the most ultra-Catholic and violent portion of the profession. Many of these bishops openly received and patronised the Jesuits, and other members of associations as distinctly illegal, in their several dioceses. Those who did not venture thus far, acted as thoroughly up to Jesuit principles as if they had been received of that body. The 'good old cause' went on far more swimmingly under the revolutionary government than in the best days of the Restoration.

This is a mere repetition of the old story of Napoleon's manœuvres with the Church. It is the perpetual result of that unhappy division of French society into irreligious and fanatical, (a division which existed before the Revolution, and of which the real causes go as far back as the declining years of Louis XIV., the persecution of the Jansenists, the expulsion of the Protestants, and the reign of Madame de Maintenon,) that French politicians never can be brought to regard the Church as other than a distinct and independent power in the nation—a foreign potentate, with whom the State must sometimes

engage in hostilities, but with whom it is much more profitable to be in alliance. The attempt to amalgamate the religious party with the rest of the nation, to build up a State penetrated with Church principles, or a Church which should spontaneously move in harmony with the State, seems never to occur to the imagination of a statesman in that country; although seven-eighths of its people belong nominally to the same faith. Every liberal potentate, therefore, regarding the Church simply as an enemy whom he is anxious to disarm, naturally makes his overtures to that section which it is most desirable to conciliate,—that which is most active and energetic at home, has the strongest allies abroad, and is the most likely to give trouble to his government—that is, the extreme party. Had Louis Philippe been sure of his throne, no one can doubt that his high intelligence and abilities would have led him to see the true salvation of France in reanimating the freer Catholicism of better days among her people. But his first necessity was to secure himself. He had little encouragement to embark in undertakings which could have only a distant result, to sow seeds in order that future generations might sit in safety under their vine and fig-tree. Enough for him to buy off the immediate antagonist. And so thought Napoleon before him.

And with Louis Philippe, as with Napoleon, this selfish policy was not long in bringing its own retribution. Whether in an Italian republic of old, or in a modern constitutional kingdom, never yet did popular government caress the nettle High Church without getting stung for its pains. The higher clergy of France is composed of eighty Archbishops and Bishops. Of these, in 1844, fifty-nine had been appointed by the present King; twenty under the Restoration; one (the Cardinal La Tour d'Auvergne) by Napoleon, when First Consul. Fifty-three, out of the whole eighty, have 'pronounced' against the government on this question of education, including a large majority of those of recent appointment. Such is the natural and deserved reward which one power obtains by truckling to another essentially its antagonist, implacable and unchangeable.

The first mutterings of polemical thunder against the University, proceeded from the High Catholic journal 'L'Avenir,' as long ago as 1831. They seem to have excited little general interest. In 1837, and again in 1840, unimportant modifications of the existing law were proposed in the Chamber of Deputies. These were considered unfavourable by some of the Bishops: and in the latter year the storm broke out. The signal was given by a violent publication, entitled 'Le Mo-'nopole Universitaire dévoilé *à la France Libérale* et à la France

'Catholique, par une Société d'Ecclésiastiques, sous la Présidence 'de l'Abbé Rohrbacher:' the real author is said to have been a certain Abbé Garot, Aumonier* in the Royal College at Nancy. It was coldly looked upon in the first instance by most of the Bishops; but, as usual, the tail drew after it the head. On Louis Philippe's fête in 1842, the Archbishop of Paris inserted, in his usual complimentary address, a phrase expressive of the desire of the clergy to 'labour *more freely* in forming the 'heart and spirit of youth.' The allusion was understood, and the 'Moniteur' omitted all notice of this little piece of archiepiscopal sedition. But it was in reality a declaration of war. Then commenced a controversy of pamphlets and debates, carried on with a vehemence of which similar ecclesiastical battles among ourselves can alone furnish an idea. Most unwilling as the present government has shown itself to enter into religious contests, it has been forced to bring one or two of the most vehement champions of the Church to trial; a Bishop (of Chalons) has been publicly censured by the process called a *déclaration d'abus:* while the Prelates, on their hand, have threatened the refusal of the sacrament to pupils of the University, and the withdrawal of the 'Aumoniers' from the Royal Colleges—a kind of interdict of the nineteenth century. But functionaries paid by the state are slow to act against it, so long as tolerable license of tongue and pen is allowed them.

It will not be expected that theological zeal should display itself without its usual bitterness of temper and effrontery of assertion. But we are bound to add—let our readers set down as much of our deliberate statement to bigoted liberalism as they please—that any thing more utterly disgraceful, both from virulence of abuse and lowness of intellect, than the majority of the publications on the clerical side which we have happened to consult, our whole experience of polemics has never witnessed. They display all the coarse license of ignoble natures, untempered by education, when wielding the unwonted weapons of public controversy. The Bishop of Chartres is bad enough; M. Ravignan and M. Vedrine much worse; but there is a certain Canon of Lyons, M. Desgarets, whose work, 'Le Monopole Universi-'taire,' we do not happen to have seen *in extenso*, but, to judge of it from extracts, the author must reign without a rival in the realms of ecclesiastical Billingsgate. Although we have some eminent specimens of the same class among our own theological controversialists, it were in vain to seek at home for a comparison. There are many passages, of which M. Libri's serious sarcasm is scarcely beyond the truth, that one can only form an idea of them by reading *Le Père Duchêne.* We decline giving

the *personalities* of these writers in any thing approaching their own racy and vigorous language. But the following paragraph (we feel how much it loses in translation) may give some notion of their more innocent and general effusions. 'The institution of 'the University,' according to M. Desgarets, 'is an impious 'slave-trade; not of negroes, but of whites; not of bodies, but 'of consciences: the slave-trade of intellects, the slave-trade of 'souls: it is slavery in filth and dregs: it is the death of the 'people in a common sewer: it is brutality and degradation to 'the nature of beasts. Never, since the origin of the world, has 'so execrable a despotism weighed upon the human race!' And M. Védrine, expressing the same happy ideas with more illustrative terseness, calls the University 'the pressgang of ex-'communicated Carbonarism,' and 'the Algiers of monopoly!'

Yet Freedom of Education is not an ill-chosen war-cry, and deserves better championship. 'In continental countries, where 'it is kept closely under state control, education (in Mr Laing's 'satirical language) is become the art of teaching people not to 'think. When a government, a priesthood, a corporate body 'of any kind, gets hold of the education of the people without 'competition, even in the most minute portion, as in a village 'school, this is invariably the result of their teaching.' This is the view, mistaken altogether, we believe, in its application to France, which gives a colour of justice to these ecclesiastical claims in the eyes of Liberalism. 'The University,' says M. de Lamartine, 'is the world teaching.' Let faith have her scholars as well as the world. 'The right of education cannot 'be justly confined to any corporate body,' says the Archbishop of Paris; 'for such a corporation must be either ecclesiastical or 'lay. The State would not admit of the first; and, if this were 'otherwise, the Church would be unable to execute the trust. 'There is not among the clergy a single corporation capable of 'managing ten colleges. The whole clergy together would not 'suffice to undertake the care of the majority of those which exist 'in France. Nor can the State choose a lay corporation. Such a 'body has no mission to give moral and religious instruction. It 'is exposed to the danger of separating what God has *insepa-'rably* united, the heart and the understanding. It cultivates 'reason at the expense of sentiment; or, if it develop the latter, 'it cannot regulate.'—(*Observations sur la Controverse*, p. 52.)

'In our imperfect and miserable order of things,' exclaims the more impetuous poet,* 'where the State has no faith,

* Lamartine, *L'Etat, l'Eglise, et l'Enseignement.*

'where the State refuses to obey the Church, and where never-'theless it resolves to educate, sometimes in harmony and 'sometimes in competition with the Church, where the two 'systems of instruction dovetail into each other, or clash with 'each other, or succeed and destroy each other, what takes 'place? One of two things; either the state surrenders its own 'education to the Church, or resists it. In the first case, the 'State vanishes, it annihilates itself, it delivers over to its rival 'the world and its generations, it betrays at once its own dignity 'and mission, which is to serve, to defend, and to propagate, 'not merely the immovable traditions, but the innovating and 'ascending movement of the human mind. If it resist the Church, 'on the other hand, it oppresses, cramps, contradicts, does vio-'lence to her religious teaching: it corrupts her faith, and in-'jures thereby at once her power over consciences and her in-'fluence over morals. In either case, woe to the State, or woe 'to the Church, but woe above all to the child, and worse evil 'to society! What is to become of the moral and intellectual man in a state of education and society in which the child, like those infants of barbarous tribes who were dipped by turns at their birth in boiling and freezing water, to render their skin insensible to the impressions of climate, is cast in turn, or cast at the same moment, into the spirit of the age and the spirit of the sanctuary, into incredulity and faith?'

Unpractical and vague as these declamations are, the malecontents have a strong argument in their favour in the expressed intentions of the framers of the government of 1830; who distinctly promised that liberty of education should be granted 'with the least possible delay.' They have in their favour all the dissatisfaction which, most undoubtedly, religious minds must feel with the prevalent cast of opinion discernible in the higher teaching of the University. They have all the ordinary arguments, trite but true, which can be urged on behalf of the principles of competition. They have not only the strength of religious feeling to back them, but they really occupy a position, in point of abstract political philosophy, which it is not easy either to turn or to assail, especially for those who start from liberal premises.

But they have against them the argument *ad hominem*, which is more effective, and often more really valuable, than the ablest reasoning on abstract grounds. The Church of Rome—the Ultramontane section of that Church, the Jesuits and the Ignorantines—contending for liberty of education! for the indefinite right of all—Catholic, heretic, or infidel—to instruct the children of the Church herself! A position so utterly contrary to her own

first principles—such is the reasoning which inevitably fixes itself in the minds of all—cannot be honestly maintained. When has the Church abandoned her ancient claim to the exclusive right of education? 'Il faut donc une éducation perpétuelle, universelle, uniforme, et par conséquent un instituteur perpetuel, universel, uniforme. Il faut donc un corps, car hors d'un corps il ne peut y avoir ni perpétuité, ni généralité, ni uniformité. . . . Il faut donc un corps, un corps *réligieux*, chargé dans toute l'étendue de l'état de l'éducation commune des enfans qui se destinent aux fonctions publiques.' So said M. de Bonald, the great champion of Catholicism under the Empire, when such views might be safely advanced in theory, since they had not a chance of being attempted in practice. Which are we to believe as the true exponent of the doctrine on this subject—M. de Bonald, or the Archbishop of Paris? Or is it, unfortunately, the fact, that the Church, always insisting on her highest pretensions when there is nothing to lose, is ready enough to lower her demand whenever there is something to gain? And the expected hour of triumph, even now, provokes here and there an imprudent revelation. 'Education belongs to the clergy *of divine right:* the University has usurped it: the University must yield!' So says M. l'Abbé Védrine; so says the Count de Montalembert, the champion of revived Monachism in France, the orator who electrified the Chamber of Deputies last year, by informing the Coté Gauche that '*they* are the children of Voltaire—but *we* are the children of the Crusaders!' So say all the more honest and more impatient spirits of the party; and this in Pamphlets and Speeches of which the watchword is—'Freedom of Instruction.' No wonder that the liberal party estimates such language at its proper value. They know that they are now courted by the Jesuits, just as the mistresses of Louis XIV. were courted by them 150 years ago. And no fraction of that party, however opposed to the dynasty of July, has been seduced, so far as we know, by these treacherous advances.

But there is another, and more practical, mode of looking at the question. Suppose the 'monopoly' of the University, such as it is, removed; what is the probability that a really effective system of free competition in the matter of secondary education could exist in France? In England we scarcely understand the nature of this question; because what the French call *secondary education* is, and has been for centuries, practically free among us. The 'monopoly' of our universities, inns of court, medical colleges, and so forth, regards the highest branches only. Schoolmasters are perfectly free since the disuse of the seventy-

seventh canon, which required them to be licensed by the Bishop 'under hand and seal.' In France the case is widely different. Before the Revolution, the monopoly was practically shared between the state establishments and the religious orders. Since that period, the University has succeeded to the inheritance of both. But freedom of education, in the sense of education by unlicensed teachers, has never existed. Freedom of education, even in the limited sense of the competition of private establishments, conducted by licensed teachers, with public establishments, is scarcely able to maintain itself at all. The public colleges, the episcopal seminaries, are too powerful to be competed with. In France as well as Germany, the number of children brought up for public situations—that is, in the hope of obtaining some place or other—constitutes a very large proportion of the whole generation. For all these, a public education is nearly indispensable. On this point the testimony of the Duke de Broglie's Report is precise.

'In proportion as public establishments become more numerous and flourishing, and extend the field of their conquests, we shall find that private ones, which have not the same revenues, and cannot afford, in any case, to instruct at a loss, by degrees disappear. This is what has happened in Prussia. In 1839, eighteen years after the law which reorganized, on a wide and strong foundation, the public scholastic institutions of that country, not a single private institution remained in existence. We have not yet reached this point in France; our public establishments do not yet suffice for the wants of our population; consequently, a good many private schools still subsist by their side, but the greater number of them languish, and maintain themselves with great difficulty. It was calculated that, in 1840, out of 106 "institutions" and 983 "pensions," more than half had less than twenty pupils, more than two-thirds less than forty; thirty only reached, or exceeded, the number of one hundred.'

The fact seems incontestable, that a system of absolutely free competition could not exist at present in France. The attempt to establish it would be, what M. de Bonald somewhere calls the French constitution—an imitation, 'plus raisonnée que raisonnable,' of the usages of England or Belgium. In the latter country education is said to be free; and, characteristically enough, it is to Belgium, where the experiment is only of a few years' growth, that the clerical agitators of France always refer for an example; never to England. Now, in Belgium, it has practically fallen into the hands of the priesthood; and, in France, one of two bodies must have it, either by law or by the force of necessity—the State or the Church—in other words, the University or the Priests.

We should be the last to pronounce unfounded or ridiculous

the suspicions entertained by religious people—and not merely by devout men in the strict sense of the word, but by serious and reflecting men in general—of the character of the higher education conferred in the great colleges of France; the higher branches of study in literature, physical science, philosophy—as conducted by the most eminent of her professors at the present day. It is impossible to deny, admire as we will the high talent and the great scientific achievements of those distinguished men, that zealous adherence to religious dogmas is apparently a rare quality among them. The effects of the revolutionary education are as yet plainly perceptible in these heirs of the Revolution. Not that the faintest echo of the tone of Voltairian infidelity is to be found in their works. That accusation is merely one of the stock calumnies of the priestly party. Very far from it. The prevailing sentiment is that of grave, enquiring, hopeful research; leaning, in all respects, rather to the side of Christianity than against it. In the 'Ecole de Médecine,' it is true, the tendency for many years was said to be the other way; from the 'sensualisme modéré' of Cabanis, downward to the 'matérialisme brut' of Broussais. But in philosophy, the influence of Cousin has been so decidedly towards spiritualism—the foundation, at least, of religious learning—that a hostile writer does not hesitate to admit, that the young generation owes to him, above all other men, 'cette empreinte demi-Catholique' which distinguishes it. In history and belles-lettres, the powers of Guizot and Villemain, and the more recent exertions of Michelet, have all been directed in the same channel. It may well be, that these men are doing more ultimate service to the cause of religion, than all the modern priesthood of France. And yet believers in the ordinary sense, generally speaking, they can hardly be said to be. It is impossible to avoid discerning something forced in their sentiments, even when they adopt most sincerely the language of the 'age of faith.' It is a foreign tongue, which they have learned from conviction of its value, from admiration of its literature—in some degree, perhaps, from fashion; but it is not their own; not their 'mother-speech,' in which the genuine feelings of the heart embody themselves. Now, let the reader consider the impassable gulf which really lies between the wisest and loftiest-minded man who merely admires Catholicism, and the humblest worshipper who actually believes it—a difference far wider than that which separates the first from Voltaire—and he will be disposed to make great allowance for the feelings of the religious parent when he cries out, even ignorantly, for the emancipation of his children's education from such seemingly perilous government.

But all this, however true, has nothing to do with the present question. No one dreams of taking the higher branches of education out of the hands of M. Cousin and his fellow-labourers; simply because 'Catholic' France could no more replace their ability and their honesty than it could dispense with the services of Marshals and Admirals, and supply their places with members of religious congregations. The present question, which has excited all this ferment, relates to *secondary* education only. Now, the terrific 'monopoly' of the University, as regards secondary education, is no more than this—first, that it has the general 'superintendence' of such schools, which seems to be merely nominal; secondly, that the conductor of a private establishment requires an University degree, which means no more than a certificate of having gone through a few courses of lectures in the higher branches of study. Subject to these restrictions, any man may send his children to whom he will. There is no compulsion on him to expose them to the fabled horrors of royal colleges, or communal colleges. All the slavery which excites such bursts of 'deep and burning indigna-'tion,' amounts to no more than this—that a schoolmaster will not be allowed to practise without a certificate, which proves that he has had the grievous misfortune of sitting a couple of years in the Lecture-rooms of Cousin or Quinet—and, that he may not be a member of a prohibited association. *That is the real point* at issue. And the honest fears of Catholic parents are artificially excited, and artificially exaggerated, by a powerful party, whose object, however unlikely of attainment it may appear, is to transfer that great instrument of political power, Education, from the hands which now possess it, to those of the Church—to deliver the youthful mind of France to the training of the Jesuits.

To deliver it to the Jesuits—that is, to decay, collapse, and death. Such is the influence of that malignant star which presides over the most remarkable among human societies. In all its varied and romantic history—in all the changes which have befallen it through the course of that unrivalled career—amidst all the charm which unbounded heroism, indomitable perseverance, learning, piety, sentiment, can throw around it—the eye of the observer traces the same inexorable law. They are doomed to work for ever in the same circle; always labouring, never accomplishing. The history of a single Jesuit College in a single city, might almost serve as a type of the history of the Jesuits in every nation of Christendom, and in Christendom itself. Wherever a Jesuit colony alights, a factitious life is communicated—order, and zeal, and patience, begin their work, and

marvels are the result; then follows a period in which all things stiffen into a stationary regularity; and lastly, inevitable decay, —decay proceeding from no external causes, but obviously developing itself from within. What conquests were ever like those of the Jesuits in infidel countries? And what conquests were ever more transitory? But the great work of the society in Christendom itself, still more strongly exemplifies its peculiar destiny. The Jesuits found the old Church of Rome —the Mediæval Church—to all appearance dead, and exposed a corpse in the streets to the gaze of exulting nations. They breathed the breath of life into the dry bones; and they lived, and stood upon their feet, an exceeding great army. They rebuilt the Latin world after their own fashion, even as, in architecture, they substituted the one, unvarying, wearisome form of the Jesuit Church, for the thousand exquisite devices of the Gothic school. And they conducted that revived Catholicism—gently, regularly, with little of outward disturbance or disorder—to a second stage of apparent decrepitude and death, in the embraces of the infidelity of the last century. Once more it has renewed its youth; but under the inspiration of influences widely different from theirs. So in political history; we read, in the first age of their duration, of great things accomplished by their means; ever after, the apparition of a Jesuit in a court is a mortal symptom. Where a dynasty dies out in squalid imbecility, there is always present some Jesuit figure leading it softly to the grave;—as in Spain and the Netherlands under the last Austrian kings, in Austria under her later sovereigns of the house of Hapsburg. Wherever misguided power overstrains itself, and draws down ruin on its own head, there is a Jesuit at hand whispering fatal encouragement: witness the last years of Louis XIV., James II., Charles X. A general character of sterility marks at once their greatest and most trifling efforts. Their system of Education has been in many respects admirable. The number of names of which they can boast as respectable in every department of knowledge, is prodigious. Yet have the Jesuits never produced a distinguished school, or a great man. Study the individual branches of literature, or science, to which they have especially applied themselves, and the result is still the same. The history of classical knowledge in France is an example which occurs to us. In the sixteenth century, France ranked high in that respect. In the seventeenth, classical study was mainly in the hands of the Jesuits, and maintained, for some time, a respectable character. By the early part of the eighteenth it was reduced to utter decay. The spirit of Beza, Budæus, and Stephens, had passed over to Protestant Holland and Protestant Germany. As far as we know, the same brief history would

serve for any branch of intellectual cultivation for which the Jesuits have been at any time famous. Where are we to seek for the principle of this universal law of deterioration?

Let us look to Loyola himself for the answer. Either the law of Loyola is essentially right and true, and the only truth in regard to the intellect, as well as the soul of man; and freedom of thought, with all its attributes and consequences, a mere phantom of Satanic creation to bewilder the minds of men; or that law is utterly false, unnatural, and detestable. It admits in reality of no compromise whatever with other theories of human nature and other codes of ethics. It must be wholly embraced or wholly rejected—embraced or rejected with all its consequences, from the first rules of Jesuit ethics down to the minutest details of the mode of literary or scientific study; the whole hangs together.

It is impossible to find it better laid down than in his famous Letter, 'De Obedientiâ,' appended to the Constitutions of the Society :—'Qui vero se totum penitùs immolare vult Deo, 'præter voluntatem, *intelligentiam quoque* (qui tertius et summus 'gradus est obedientiæ) offerat necesse est, ut non solum idem 'velit sed etiam ut idem sentiat quod superior, ejusque judicio 'submittat suum, quoad potest devota voluntas intelligentiam 'inflectere. Quæ vis animi tametsi non eâ, que voluntas pol- 'let, libertate prædita est; atque ipsâ naturâ fertur ejus assensus 'in id, quod sibi veri speciem præbet; tamen multis in rebus, 'in quibus videlicet cognitæ veritatis evidentia vim illi non in- 'fert, potest voluntatis pondere in hanc potius quâm in illam 'partem inclinari. * * * Negari non potest, quin obe- 'dientia comprehendat non solum executionem ut imperata 'quis faciat, et voluntatem ut libenter; sed etiam judicium, ut 'quicunque superior mandat et sentiat eadem inferiori et recta 'et vera esse videantur, quatenus, ut dixi, vi sua potest voluntas 'intelligentiam flectere.'

This is a remarkable passage; we shall not perhaps be far wrong in calling it the key-stone of the intellectual discipline of the Jesuits. No question but that there are, in the words of Mr Newman, 'inducements to belief which prevail with all of 'us, by a law of our nature, and whether they are in the parti- 'cular case reasonable or not.' No question that by adroitly managing these inducements to belief, by representing belief in particular truths as a matter of duty, an instructor may, to a certain extent, lead not only the will but the reason of his scholar; though to a far less extent, we devoutly believe, than Loyola or Newman would represent. But whatever may be the real amount of this belief produced by other causes than evidence, it is abundantly clear that it must proceed from a defect

in human nature. As to all truths capable of being established by evidence either on certain or probable grounds, God has given us the faculty of judging of that evidence, as the instrument of obtaining a belief in them. Any belief acquired not through the use of this instrument, but by pressing into the service faculties intended for other purposes, be the subject of belief never so true, rests on defective grounds as regards the party believing. If truth have really any objective existence at all—if it be any thing more than that which every man *troweth*—it is the merest truism to say, that to believe as truth that which is established on slight evidence or no evidence, or arguments addressed to the conscience and not to the reason, may be an act piously done, but must proceed from a neglect of that portion of the faculties which are specially assigned to us by our Creator for that special purpose. This is an error which may often lead to good results in particular cases, as it has led, and still leads, to fearful evils in many others; but all the sophistry in the world cannot make it other than an error. Now it is peculiarly characteristic of Loyola, that in this passage he fixes on a particular defect in human nature as a means of government, and consequently as something to be encouraged and cultivated. He would have obedience, *as far as possible*, comprehend the acts of the judgment as well as the acts of the will. He would have men strive to give a false bias to their minds, to stifle the light within them. He is not content with knowing that they *will* do so, and availing himself of the weakness; he would implant it in them as a principle.

It would take but a short process to show that it is this fatal notion of governing men by their failings which has led, in the main, to all the perverse and irreligious portions of the developments of Jesuitism; to condescensions to every weakness, apologies for every crime, and serious defences of every unnatural absurdity;—to the spectacle of Christian priests abetting the cultivation of Pagan rites in China, and of Jesuit-Brahmins, or Brahmin-Jesuits, wearing the sacred marks of their Caste on the forehead and the shoulder before Christian altars, and refusing the sacrament to converted Pariahs on the coast of Malabar. But our present concern is with intellectual rather than religious truth; with the fitness of the Jesuits, governed by these principles, to conduct the school education of a great country. And what is of importance for us, in discussing this question of education, is that the regular, unvarying system and manner of Jesuit instruction, even to those peculiarities of which Pascal signalized the revolting absurdity, and which one would suppose had been finally extinguished by the *Lettres Provinciales* two hundred years ago, still subsist in full force and

vigour, in France at least, and probably in all Roman Catholic countries. As we have said, they not only live, but they have survived every thing else; the Jesuit school, meaning that built on the Jesuit model, whether now actually taught by professed Jesuits or not, is the only Catholic school of consequence kept alive. Let the reader turn, if he will, to the *Institutiones Theologicæ* of M. Bouvier, Bishop of Le Mans, published within the last ten years. It is a work which counts more editions and more thousands of copies than we are able to estimate. It is the popular, practical manual of the young clergy of France; generally adopted, we believe, in the seminaries throughout that country. We must premise that M. Bouvier is also the author of a special treatise on the Sixth (Protestant Seventh) Commandment, for the use of confessors—said by M. Génin to surpass in revolting details all the treatises which the theologians of two centuries back devoted to the elucidation of that subject. This book we have not seen; our remarks are confined to the *Institutiones.* Whether M. Bouvier is a Jesuit or not we do not know, but his work is composed entirely on the Jesuit model; and any thing more strange, and more utterly repugnant to the ideas either of Protestant or of Romanist, unfamiliarized with that model, it is impossible to conceive. All subjects of ethics and theology are treated in that very method of 'probable opinions' which Pascal rendered so famous; that is to say, questions are propounded, and the solution is by citations from approved authors: where these authors differ, M. Bouvier sometimes, by no means always, gives his own opinion. And the practical result of the method remains, we presume, the same as ever; whatever proposition in religion or morality is supported by probable opinions is *safe.* It is impossible to give an idea, to minds imbued with the ordinary principles of truth and elements of ethic instruction, of the cold, strange, unnatural colour which this monstrous system throws over the whole vast subject embraced by it. It is quite true that it relieves the mind from an infinity of difficulties. Any one who will get a certain number of dicta by rote, becomes not only qualified to decide points of casuistry, but qualified to act on the safe side in all dubious questions. Christianity is, indeed, 'made easy' after the pattern of Escobar; the believer walks on velvet; and it is only difficult to understand how any one can go astray, in a world where there are as many sure guides as Jesuit writers. Conscience is rendered perfectly flexible; but it is the flexibility of a corpse, which may be moved at will this way or that—*perinde ac cadaver.* All those unfathomable questions which perplex, as some say, angels as well as men—all the problems raised concerning the mysterious relations between man and his Creator, between the

soul and the material and spiritual worlds in which it works; and all the most minute, trumpery puzzles of ceremonial casuistry which have ever amused empty minds in the idleness of convents, are discussed and solved with just equal diligence, equal gravity, equal facility! The whole system of theology and ethics lies before us, in M. Bouvier's compendium, like portraits painted without perspective; no reverential shadow cast over the more sacred recesses, no background to veil the insignificant or the shameful parts. 'Quædam specialiter 'nobis dicenda sunt,' says the Bishop on the second (third Protestant) commandment, 'de astrologia, somniis, sortilegio, 'virgâ divinatoriâ, magnetismo, et mortuorum reditibus, Gallice 'revenans.' And he proceeds to edify the young clergy with the most 'probable opinions' on these delightful subjects, not forgetting a gentle puff of the work of some pious chemist on animal magnetism. There is an historical dissertation on touching for the King's evil: Charles X., we are informed, tried his royal hand on his coronation day on several patients. 'Sed non con-'stat,' adds the sly Bishop, 'aliquos ex iis fuisse sanatos.' As to the Powder of Sympathy, we are informed that we may use it, with a safe conscience, 'if the wounded person be not more than 'three hundred paces off.' Such, at least, is the opinion of the blessed Alphonso Liguori, whom, by the way, the Jesuits from perversity, and some of our young students in hagiology from ignorance, persist in calling a saint.

Let us now see how the same prelate treats the subject of philosophy as a head of clerical education. His 'In-'stitutiones Philosophicæ ad usum Collegiorum et Semina-'riorum,' appear to have gone through six editions at least. As we have never seen this valuable work ourselves, we are obliged to quote it at second-hand from the pages of M. Génin. It contains eight chapters on angels, with enquiries as to their number and rank, 'whether they eat, drink, and sleep; whether 'they are obliged or not to speak in order to communicate their 'ideas;' a question resolved in the affirmative, but with an admission that theologians have as yet been unable to decide what language the angels use. There are dissertations on the conflict of the bad with the good angels, on the demons which torment travellers, 'omnibus modis vexant viatores;' and who are 'dæmones 'annosâ experientiâ'—'cunning old stagers, patient, and of inde-'fatigable activity, infallible memory, and an incorporeal subtlety, 'by means of which they are able to penetrate into many places 'at once.' Then follow rules for discerning true from false miracles, (very necessary in an age like the present, when miracles, as we shall see by and by, are really becoming alarmingly numerous,) from which it appears, among other things, that the

miracles performed by persons 'visibly possessed by devils' are false; also that the posthumous miracles of the Abbé Paris, being Jansenist miracles, were obviously either *forgeries* or produced 'by the intervention of the devil.' These and similar peculiarities are no laughing matter, when it is remembered that this is the style of education which the French clergy would give at the present day had they the command of public instruction; but there are other offences, not against reason only, but against the first principles of morality, far too serious to excite a smile. Will it be believed that this Bishop, a Bishop appointed by the house of Orleans, dared, in a common popular manual of education, openly to affirm that it is the duty of the subject to assassinate an usurper at the command of the lawful prince? 'Immò '*privatim* illum tanquam publicum malefactorem occidere debent, 'si legitimus princeps id expressè jubeat!' We are told that this most atrocious passage is *suppressed* in the last edition. But in one of the recent pamphlets on the Jesuit side, *Les Jésuites, par un solitaire*, it is deliberately defended, says M. Génin, on the broad ground taken by Mariana and Ravaillac—*Qu'est-ce qu'un peuple, et qu'est-ce qu'un homme?*

And this is the Education of the Clergy of the nineteenth century, in the country of Pascal, Nicole, Bossuet, and Fénélon! This is the 'Philosophy' which passes current in hundreds of the schools of France, side by side, as it were, with that of Cousin and Villemain! Let the enthusiast exalt his imagination with songs of triumph or of tenderness, poured forth by the Chateaubriands and Lamartines of the day in the name of the Catholic church; let him soar above the clouds with the daring Lamennais, or, keeping nearer to the earth, solve the practical problems of life by the magnificent sophistries of De Maistre and De Bonald; and then let him turn from these phantoms to the naked reality, to plain, unadorned Jesuit Christianity—Christianity for the use of the student, such as it appears in the grovelling pages of M. Bouvier, or Moullet, or Rousselot, or in the practices of the brotherhood of the Scapulary or of the Sacred Heart—will not the fall be sufficient to stun the intellect, and crush the moral perception? or, unless his nature has gradually become subdued, stage by stage, as he has descended more and more, in the course of his perverted education, into the deep abyss of low morality and dark superstition, will he not, almost inevitably, be driven in disgust out of the bosom of that faith whose name has been thus grossly abused?

We say it over again; Protestants as we are, it is in no sectarian spirit that we write these pages. There is not a sentiment that we have here avowed which has not been uttered over and over again by the most pious and best members of the Roman

communion, in what we must esteem the better days of that Church. There seem to be two sorts of Catholicism at the present day in France, like Venus Urania and Pandemos of old—the one visionary, poetical, rather consisting in eloquent aspirations after the beauty than devotion to the truths of religion: the other, the mere dregs of Loyolist ethics and monkish superstition. There was once a third—deep, spiritual, refined—more truly practical than the minutest moral philosophy ever divided and subdivided in chapters and sections for the use of Jesuit directors, yet far more elevated than the highest flights of poetry and art—directing the ablest intellects, influencing the noblest hearts, among the leading nation of Europe. We dare not say it is extinct, but assuredly it shows, at the present day, few signs of life.

Such are the main grounds on which the great liberal party throughout France oppose the transfer of Educational Superintendence from the State to the Church. It is out of our province, as strangers of a different country, and holding a different form of Christianity, to dwell on other reasons of more temporary and local character, although perhaps even more influential with the majority of Frenchmen. We can only allude, in passing, to the extremely insecure and unsatisfactory legal position of the secular clergy throughout France, as one of the causes which prevent them from holding that place in society which their office demands. Before the Revolution there were nearly 40,000 curés or parish priests in France. These gentlemen held a freehold of their offices, as English lawyers would term it; they could only be deprived through a regular trial in the Episcopal court, from whence an appeal lay to higher Ecclesiastical Tribunals. When the Pope and Napoleon reconstructed the Gallican Church, the old parochial divisions having been utterly abolished by the Revolution, new ones were instituted commensurate with the districts of the 'Juges de Paix,' each with a number of dependent chapels, (*succursales.*) There are now little more than 3000 of the old-fashioned curés or parochial ministers; but there are more than 30,000 ministers of chapels, generally termed by the modern ecclesiastical title of 'Desservans.' Now the latter are entirely under the arbitrary jurisdiction of the Bishop. 'The Desservans' (says one of the organic articles added to the concordat) 'shall be approved by the Bishop, and '*removable* by him.' The consequence is, whether contemplated by Napoleon or not, that without any formal alteration in ecclesiastical usage, complete despotism over nearly the whole secular priesthood has become vested in the Bishops. Let the reader only conceive such a state of things among ourselves: let him imagine

some of our venerable prelates—it is quite unnecessary to mention names—invested with the power of depriving almost every parochial minister in their diocese at their pleasure, 'without criminal process, without canonical forms, without control, and without council?' How soon should we regret those too cumbersome forms which at present impede the direct action of Episcopal power! It is needless to say that a clergy thus constituted, abject slaves to their Episcopal superiors, can present no check whatever to the organized influence of religious congregations. Whatever their individual merits may be, collectively they form a mere inert mass in the state; and the poor Desservans appear to have only one consolation in their servitude—that their master, the Bishop, before whom they are prostrate, is himself believed to tremble in secret before the mysterious conclaves of the children of Loyola.

There is one more topic in relation to this controversy which must not be left wholly unnoticed—we mean the charges of immorality, so often and so strongly insisted on in France, not only by those who have not lost the traditional spirit of the school of Voltaire, but by many others of a more serious turn. It is a subject on which we are utterly unable to form an opinion. But much dark suspicion exists. Startling and general accusations, of the most terrible kind, are sometimes heard to issue from quarters to which neither absence of information nor malicious prejudice can be fairly imputed. A great abyss seems, as it were, displayed for a moment, and then closes again, and no more is heard on the subject for a while. It will be remembered that we are speaking, not of the effects of clerical celibacy in general, but with reference to a country highly civilized and highly corrupt; in which there is a constant fermentation of evil passions throughout almost all classes of society. And we are speaking of men who, if not protected against gross temptation by the very highest motives, have no secondary safeguard except simple fear of detection; among whom no refinement of education, no point of honour, no high aspirations of any worldly kind, no press of engrossing business, none of those subsidiary aids to virtue which act so strongly towards preserving the morality of ordinary life, can be supposed to exercise much influence. We remember being much struck with a circumstance in one of those recent Criminal Trials of Priests, to which the prejudices of the French people have given a very deplorable notoriety, and very exaggerated importance. Such cases in themselves prove nothing against the general body; but the point which arrested our attention was this, that as soon as the evil done was detected, *numerous female witnesses* came forward and deposed, that under religious pretexts the same culprit had solicited their

chastity. Whence arose this silence until the hour of detection? and what inferences are to be drawn as to the amount of undetected crime? But we willingly quit so hateful a subject, and would gladly submit to all the imputation of vulgar prejudice which could be cast upon us, to know that we have lent our ear too readily to doubts thrown out, not by Protestants and foreigners, but by Frenchmen and professing Catholics themselves.

But there is another subject connected with what we cannot but regard as the degeneracy of the modern clergy of France, as to which we feel no similar call to silence;—we mean the Miracle-Mongering of this nineteenth century—the extraordinary, absurd, almost incredible practices on popular credulity, carried on, not by a few obscure fanatics, but by clergymen of station and character, and openly encouraged without a blush by the Prelates of the Church! Even in France itself—much more in England—almost entire ignorance prevails on this matter. One half of mankind, in days like ours, knows little enough of what the other half is doing. They follow different guides, are actuated by different impressions, read different books, and breathe separate atmospheres. Two men who see each other every day, who work side by side in the same field or workshop, will often be found to live in inner worlds altogether distinct and uncongenial. The wildest products of intellects degraded by fanaticism, and intellects depraved by license, circulate, as yet peaceably, together: they are dispersed by the same conveyances, they compete in the same markets: Eugène Sue sells his tens of thousands, and the Jesuits their hundreds of thousands. Of the 'historical notice' of the miraculous medal struck in 1832, in honour of the Immaculate Conception, 130,000 copies had been sold before the eighth and last edition appeared, (Génin, p. 82.) From this edifying work we learn that the Virgin herself vouchsafed to reveal the pattern of her medal to a novice of the Sisters of Charity. The costume under which the Virgin presented herself is carefully described. She had 'une robe blanche et un 'manteau bleu argenté, avec un voile aurore,' and diamond rings. It goes for nothing to say, that the medal cures epilepsy, malignant fevers, cancers, makes the blind to see, the dumb to speak, and the lame to walk. A Sister of Charity slips a medal slyly between the sheets of the bed of a good-for-nothing, swearing trooper, at the point of death. The trooper is cured the next morning, confesses the next day, and ever after hangs the medal at his button-hole, next to his cross of the Legion of Honour! But the medal does much more than cure bodily complaints; it can assuage matrimonial discord! A quarrelsome husband ejects his wife from his home at midnight, and begins to throw the furniture out of the window after her. A 'virtuous person,' who

had tried in vain to soothe him, conceives the happy idea of slipping a medal into one of the drawers of a wardrobe, which the wrathful Bruin was beginning to knock to pieces. At once —to the astonishment of bystanders not in the secret—his rage ceases, he leaves off demolishing his wardrobe, calls back his wife, and a durable treaty is signed between the belligerents!

One more miracle of the medal we cannot make up our minds to omit; it disarms the law of its terrors. In 1835, Marie Laboissière, aided by her lover, murdered her husband, and forced her son, a youth of fourteen, to bear a part in the murder, lest he should turn witness against her. The Court of Assizes of Limoges condemned lady and lover to death. They appealed to the court of Cassation. In the interval, a friend hung the medal round Marie's neck. The appeal came on—and, though the sharpest wit could perceive no distinction between the case of Marie and her accomplice, except that the murdered man was her husband, and she had forced her boy to be guilty of parricide —yet, 'wonderful effect of the mercy of the Virgin!' the sentence of Marie is reversed, that of her lover confirmed. He is executed—Marie, sent back for a new trial, escapes with a sentence of imprisonment, and lives an irreproachable life in the house of correction at Limoges, 'finding in her medal her 'sweetest consolation!'

This is a specimen of a kind of occult literature, as M. Génin calls it, which circulates in France, as it does in Ireland, almost in secret, and scarcely known in the general literary market. It is observed that copies of books of this class are never deposited at the Royal Library in Paris, as the law requires they should be. There is an evident desire to keep them from the light, as if they were publications of an infamous kind. Few, therefore, know with what degrading elements popular devotion in Roman Catholic countries is too often adulterated. An Oxford Bachelor of Arts, of fastidious taste and Tractarian inclinations, goes to Normandy or Belgium for a holiday tour: he observes the demeanour of one or two congregations in church, and holds (with much difficulty) a little conversation with one or two priests; and, on his return, he announces his profound conviction that the English Church is naught, and that piety flourishes only under the shadow of Rome. What if the Bachelor of Arts had fallen in with the 'History of the 'precious blood of our Saviour,' which is preserved in the Abbey of Fécamp, and to which the pious Norman repairs in pilgrimage on the Friday before holy week?—or the 'Etrennes spiritu-'elles offertes aux associés du Bon Pasteur et de Saint Joseph,' published at Le Mans in the year 1844; in which we learn that any one who becomes a member of the fraternity of the Scapulary, and receives the Scapulary from the hand of a Carmelite, infallibly

escapes eternal punishment; but that, if he has the misfortune to be condemned to purgatory, 'Mary, like a tender mother, will 'descend and deliver him *the Saturday after his death!*'—or the Life of Saint Philomena;—or the Enchiridion of Pope Leo, in which the reader finds a prayer 'which Charlemagne was in the 'habit of using to guard himself against cannon-balls?' This last, however, we believe, is a manual of conjuring; but it really resembles so strongly the modern priestly manufacture, that we do the fathers little injustice in coupling it with their productions. This is the literature of the pious part of the French populace, compiled for them by those spiritual guides who now claim public education as belonging to them 'of divine right.' And the printed bear scarcely an adequate proportion to the acted impostures of the day. Miraculous cures, miraculous visions, discoveries of new relics, re-discoveries of old ones, portraits, autograph letters of our Saviour—these have been, within a few years, repeated in such monstrous profusion, that even the boundless credulity of mankind seems incapable of receiving the load. And do not let the reader imagine that they pass current among the vulgar only—that they are the fictions of a few interested or fanatical monks, disavowed or ignored by the body of the clergy. Nothing could be more false. The highest dignitaries of the profession are not ashamed to lend their active countenance to these scandalous mockeries. The proofs are too numerous, too glaring to deceive.

This is to us by far the most painful reflection which the extraordinary revival of mediæval superstition in the nineteenth century suggests. Superstition is common to all ages and countries; so is religious fraud, and the craft of those who practise, in one shape or another, on credulous piety. But our times present a spectacle which is without a parallel except in the last ages of Greek and Roman Polytheism;—that of whole classes of educated men, including many both well-meaning and intelligent, professing to believe that which they do not believe, and holding up to reverence that which in their hearts they contemn; persuading themselves, by an inconceivable sophistry, that there can be moral grandeur, and adaptation to human need, and high religious purposes, in things which their own enlightened conscience unerringly tells them to be imposture or delusion. We can conceive such a state of mind in a Roman Patrician, in the period when the Senate fought for the maintenance of the statue of Victory in the Curia amidst a Christianizing world, and strove hard to rekindle the dead embers of old enthusiasm on the altar of the state religion of Rome. We can conceive it in the court of the Emperor Julian, where men both wise and sincere, and among the ablest of the decrepit age in which they lived, endeavoured

seriously to impart new and lofty meaning to the worn-out worship of Grecian idols. And to any one not in his heart persuaded of the truth of Christianity, we cannot but imagine that the peculiar character which the modern or New-Catholic excitement is assuming, must appear a presage of similarly approaching dissolution. In the middle ages, high and low followed the pilgrimage or procession, or bowed before the relic, with equally undoubting faith. One hundred years ago, the same observances subsisted, the same concourse was attracted by them; but men of the educated classes would have felt it necessary, generally speaking, to utter a faint apology for encouraging them; many would openly have expressed their indignation at them; some would have symbolized them away; there would have been a general impression that the danger of abolishing them was the only ground for their retention. Now, we find them openly avowed, praised, held out as necessary parts of the faith, and reluctance to receive them denounced as a departure from orthodoxy; and yet every one knows that they are only maintained as parts of a system, and that genuine belief in them, among educated men, is dead. Alas! this is the worst state of all, because it imposes the greatest violence on conscience, and confounds the most effectually truth and falsehood, right and wrong. Have we not recently seen men bred for the priesthood in those renowned seats of mental culture, the Universities of enlightened Germany, playing their parts in the wretched mummery of the procession of the Sacred Robe of Treves, in which they really believed no more than in the Fetiches of Negroland, with hundreds of thousands of their more honest peasantry to follow them? And in France, Monseigneur of Le Mans, and of Nevers, may think it their duty to uphold the legends of the credulous ages; yet no one, no educated man, who sees those excellent Prelates heading a procession to do honour to a newly-discovered relic, and distributing freshly-coined miraculous medals, believes that they believe in them! That they try to believe in them; that they persuade themselves that these things must be retained as parts of a vast whole which it is death to disturb; that they essay by every means to exclude the pressing spirit of enquiry which arises in their own consciences; nay, that they combat it as an instigation of the Spirit of Evil, and strive in their delusion to crush the light which is in them—all this is probable enough; it would be very unjust to hold them mere impostors: but all this is not faith; and, not being faith, it is in reality falsehood, venial perhaps in its origin, but utterly pernicious in its results.

It is with shame that we are compelled to notice the modern attempts to rouse a similar spirit here in England, and, under the mistaken idea of encouraging reverence, to render men regardless

of the infinite sacredness of truth. When men of acute and practised intellects—men trained, be it for good or evil, in all the critical discipline of the nineteenth century, gravely propound the legends of the Nicene and Middle Ages—not indeed as things in which they themselves believe—expert in the art of theological fencing, they generally avoid committing themselves to this extent—but as things which others may believe, or ought to believe, or which it is a 'privilege' to believe; the impression produced is not that of blindness or delusion on their parts, but of devotion to an unhappy system which reduces them to a kind of moral absurdity; and compels them, in order to carry it out, to put forward for public reception things of the falsehood of which they really entertain, though they dare not avow it even to themselves, no doubt at all. 'Why is it more manly,' asks Mr Ward, to 'kiss fondly a mother's portrait or lock of hair, than to 'cherish and bear about a crucifix, or *a fragment of the true cross?*' Does Mr Ward really believe in the impudent Byzantine fable to which he here alludes? If he does not—if he only *plays* at believing in it—has he estimated the infinite mischief which is done by thus insinuating more than he can honestly avouch? by trying, as it were, to steal an assent which he dares not openly ask? All the heresies, whatever they may be, which have been laid to Mr Ward's charge, are in our mind a mere nothing compared with the sin against truth and conscience contained in this and many similar passages of his writings.

Received in faith, in our time and country, such things cannot be. They do not fall in the way of those quiet and simple believers who rely on authority. The youthful enquirer who adopts these views, much more generally does so, like Mr Taylor's hero Comnenus,

> 'With a mind against its natural bent
> Tortured to strong devotion.'

They are the products, however paradoxical it may sound, of scepticism, not of faith. The first stage towards their adoption is, dissatisfaction with popular doctrines. The student begins by criticising and rejecting, and ends by choosing. His belief rarely takes possession of him: he more commonly appropriates it by a voluntary determination. *Voluntatis pondere in hanc partem inclinatur.* Observe, consequently, the line of argument by which the position thus assumed is defended. 'You refuse to 'believe in such or such a miracle of the middle ages, because you 'think the evidence unsatisfactory. But is the evidence of the 'miracles of our Saviour *more* satisfactory? You cannot make 'more of the difference between them, than amounts to a mere 'question of degree. Receive the one only, and your faith rests 'on mere private analysis, on which one mind has full right to

'differ from another. Receive both, and you throw evidence 'overboard, and repose in safety on the authority of the Church. 'You hesitate before such and such a doctrine—of sacramental 'efficacy, for instance; for you think proof is wanting that 'the Deity operates thus supernaturally by specific physical 'agents. What do you know of the mode by which the Deity 'operates either on matter or on the human will? What know-'ledge does the philosophical jargon of Causation really impart 'of the unfathomable mysteries of nature? But again, you 'object to another tenet, that it is not consistent with the Divine 'justice or mercy. What warrant have you for believing your-'self capable of forming an idea respecting those attributes? 'What are the words just and unjust, cruel and merciful, but the 'representatives of traditionary ideas, based on no knowledge of 'ours, by whose limited faculties the very idea of God is in point 'of fact utterly unattainable, and, by infinitely stronger reason, 'his moral qualities inappreciable! Take away the light of the 'Church, and we do indeed but walk in a vain shadow. We do 'not condescend to argue with your reason, in calling on you 'to adopt this or that portion of Catholic verity, this or 'that fragment, however slight and seemingly insignificant of the 'Church's teaching, be it in matter of fact or doctrine. We do but 'place before your eyes the necessity in which you are involved. 'You can do no otherwise. There is no real belief save faith, 'and faith is the result and reward of moral, not intellectual 'exercise. You must believe all, or you can believe nothing.'

That this is no exaggerated statement many of our readers know. We might refer to popular writings and great names in the modern religious world to confirm it. The possibility of the union of such intellectual scepticism with really deep and true religious belief, is a question no man can decide on, since none can fully pry into the secrets of another's heart. Possible in one case it certainly is: but that is a rare case of morbid, almost preternatural organization. Pascal was an instance of this: it would be difficult, perhaps, to find a second. In his extraordinary mind, the most intense reasoning power was united with an overmastering religious impulse. Both were in a state of what must be called, for want of a better word, diseased activity. The mathematical studies to which his early life was devoted, while they invigorated the discursive faculty, soothed for a time the restlessness of the unquiet spirit which had possession of his conscience. But he abandoned mathematical pursuits. He plunged deeper and deeper into metaphysical and moral speculation. The farther he went the more sceptical he became. His analysis reduced one seeming reality after another to dreams. All who have read the *Pensées* are familiar with

the strange doubts and questionings of external and moral truth with which they abound. M. Cousin, comparing the *Pensées* with certain manuscript fragments of the author, has reduced them to a complete system of Pyrrhonism; or rather has proved incontestably that the last conclusions at which this great mind arrived in philosophy were those of total unbelief. Meanwhile every defeat of his reason was, as it were, a victory of his faith. The faculties of his being, instead of harmonizing, were at war with each other. He took refuge from unreality in mystery. The more the objects of reason failed him, the more resolutely he clung to a system of religious belief, determinately chosen at first, but which attained at last complete and engrossing dominion over him. All the world knows the rest of the history of this, among the most gifted, of mortal men. How long so wild a mental conflict might continue in a more strongly organized machine, it were vain to conjecture: in him it led to early madness and death: unless we should rather say that all these phenomena, both of mind and body, proceeded from the same physical origin.

But we have wandered very far indeed from the controversies of which it was our purpose to lay the outlines before our readers. Much might be said on the application of the lessons conveyed by them to our circumstances at home: but we must forbear. Enough for us at present to sum up briefly what remains of their history. After much vehement discussion, the Chambers of Paris in 1844, framed a law fixing the qualifications of private schoolmasters: the degree appears to be still indispensable; but every applicant must be able to show in addition a certificate of morality, delivered by a commission of five, of which the Bishop appoints one member. He must, moreover, have attained his thirtieth year, *and must declare himself not to belong to any illegal association.* There are also some relaxations on the restrictions formerly imposed on the higher seminaries, or secondary ecclesiastical schools. It is needless to say, that these concessions have not satisfied the clerical party. That party itself, however, can do little in the Chambers; nor are there any present symptoms of union between them and any section of the Liberal Opposition. But what will be the ulterior consequences of the daily increasing and pertinacious disaffection of the clergy and their partisans? Unquestionably they will neither defeat, nor even retard, the progress of education and general improvement. They can never become again a great social power, except by seconding that progress; least of all in France. On the contrary, they will indirectly contribute to its benefit, in an essential particular; for the respect due to an Opposition so powerful and so watchful, will compel the

State to pay due attention to the claims of religion within her establishments, and to leave free scope for the activity of that more serious tone of feeling which prevails among the instructed youth of the present generation. And the violent contrast between two opposing extremes may, for aught we know, end in some new development within the bosom of Catholicism itself.

That a new and more violent attack, on the part of the clerical party, is in preparation, can hardly be doubted. The recent publication of the Archbishop of Lyons against M. Dupin, (for which he also has been visited with a *déclaration d'abus*,) proves that the crisis has not arrived at its height. But it seems to be generally felt, that concession has gone far enough; the body of the French nation will stand by the Minister who resolves to abide by established institutions. They will look to realities, and disregard mere plausible arguments. No question but the Law against Religious Associations is in itself open to much objection, as an interference with personal liberty; but it must now be maintained, because the objects of the present attack upon it are evident. No question but, on general principles, Freedom of Education is better than Monopoly; but we have seen how slender this monopoly really is in the case of the University; and, such as it is, it must be supported, because the *monopoly of divine right* is at this moment the only alternative. And, above all, the Ministers of Louis Philippe will not forget that the real strength of his dynasty is in the nation; that it is not by buying off hostile factions that its stability can be ultimately maintained. The Priesthood—the ultramontane and leading party among them—will take every instalment that is offered; but they will not the less insist on the payment of the debt of 1830 to the uttermost farthing: let their domain in France be extended and strengthened as it may, their Church will not the less be beyond the Alps, and their King beyond the Rhine.

ART. V.—*History of the Conquest of Mexico.* By WILLIAM H. PRESCOTT. Three volumes, 8vo. London: 1843.

MR PRESCOTT has long been honourably known as author of one of the most valuable historical works produced in the present age. He has here undertaken a task, less arduous perhaps to himself, but certainly not less interesting to his readers. He has fixed upon one of those great and romantic episodes which are so frequent in the history of the Middle Ages; has made himself thoroughly acquainted with its particulars; and has embodied these in a narrative, which, considered merely as a work of amusement, will bear comparison with the best romances in the language. The 'Conquest of Mexico' is probably of less importance as a collection of facts, and of less merit as an intellectual effort, than the 'History of Ferdinand and Isabella;' but we think it even more secure of universal popularity. It is impossible to write a masterly history of the first nation in Europe for forty years, without raising controversies and advancing questionable theories. There are probably many historical students, who have found statements and opinions in Mr Prescott's former work from which they are inclined to dissent; but we doubt whether any intelligent reader has laid down that now before us, without acknowledging it to be one of the most delightful narratives in his recollection.* We regret much that other pressing calls should have thus long delayed the communication of our sentiments regarding it to our ordinary readers.

We shall not pretend to have examined a narrative which has given us so much pleasure, with the keen scrutiny of a severe criticism; but we can conscientiously affirm, that we remember little or nothing in the manner of its execution which we could have wished otherwise. Mr Prescott appears to us to possess almost every qualification for his task. He has a pure, simple, and eloquent style—a keen relish for the picturesque—a quick and discerning judgment of character—and a calm, generous, and enlightened spirit of philanthropy. There is no exaggera-

* The wish has more than once been felt by us, that Mr Prescott would turn his thoughts to a History of the Spanish Expeditions in quest of *El Dorado*—a subject quite untouched as a whole, and which, with its collateral enquiries and results, would form a Historical work of high and romantic interest, peculiarly suited to his pen. See this Journal, Vol. lxxi. p. 22.

tion in asserting, that his 'Conquest of Mexico' combines—some allowance, where that is necessary, being made for the inferior extent and importance of its subject—most of the valuable qualities which distinguish the most popular historical writers, in our own language, of the present day. It unites the chivalrous but truthful enthusiasm of Colonel Napier, and the vivacity of the accomplished author of the 'Siege of Granada,' with the patient and ample research of Mr Tytler. And when we call to mind that these delightful volumes were, like his preceding work, composed under the pressure of the severest physical privation to which humanity is subject,* we cannot refrain from adding, of new, the expression of our heartfelt admiration of the heroic, the noble philosophy, which could sustain the cheerful vigour of mind necessary for such tasks.

It is now time to furnish our readers with better means of appreciating the 'History of the Conquest of Mexico,' than any panegyric can afford. It would be easy to fill our pages with sparkling quotations, with sketches of scenery worthy of Scott, with battle-pieces rivalling those of Napier, with pictures of disaster and desolation scarcely less pathetic than those drawn by Thucydides. But Mr Prescott has, no doubt, too much taste not to accept it as a compliment, when we say that every reader of intelligence forgets the beauty of his colouring in the grandeur of his outline; and that nothing but a connected sketch of the latter can do justice to the highest charm of his work. Indeed we are by no means certain, that the splendid variety of episode and adventure with which the great enterprises of Cortes are interwoven, does not necessarily withdraw, in some measure, our attention from the naked view of their surpassing audacity; just as, in the wild *sierras* traversed by his army, the luxuriant vegetation of the Tropics serves to render less awful the frowning brow of the precipice and the shadowy depth of the ravine.

We shall, therefore, endeavour to lay before our readers a clear and simple outline of Mr Prescott's work—well content if we succeed in refreshing the memory of such as are already acquainted with its events, and in rousing the curiosity of such as are less fortunate.

Towards the southern extremity of the North American Continent, close to its termination in the Isthmus of Darien, and at a point nearly equidistant from the Atlantic Ocean and the Mexican gulf, lies the beautiful valley of Mexico. It is about sixty-seven leagues in circumference, and in its centre are four

* Mr Prescott has, for many years, been blind.

large lakes, occupying one-tenth of its surface, and either communicating with one another, or separated by narrow necks of land. The central and largest lake, which is that of Tezcuco, is of an irregular shape. At its southern point is a strait, connecting it with the lake of Xochichalco, which is long and narrow, and lies in a south-easterly direction. The two remaining lakes, those of Xaltocan and Chalco, are separated by causeways, the former from the northern end of the Tezcucan, and the latter from the southern of the Xochichalcan lake. Upon an island near the western shore of the lake of Tezcuco, stood, at the commencement of the sixteenth century, the imperial city of Mexico, or Tenochtitlan, the renowned and splendid capital of the Aztec dominions. It communicated with the shore by three large artificial dikes, one of which pointed to the north, a second nearly to the west, and the third to the south—the latter, however, diverging halfway into two branches, which met the shore on each side of the strait opening into the lake of Xochichalco.* At the north-eastern point of the lake of Tezcuco lay the royal city of the same name; nominally the equal ally, but, at the date of our narrative, in fact the dependent, of her mighty neighbour.

We regret that our limits will not permit us to follow Mr Prescott through his ingenious dissertation upon the probable origin of Mexican civilisation; or through his sketch of the mysterious races to whom Indian tradition attributes the stately ruins still to be found amid the savannas of New Spain. It will be sufficient for our present purpose to state, that the Aztec tribe appears to have migrated from the north, and to have entered the future scene of their glory and ruin, about the commencement of the fourteenth century. They found the plateau of *Anahuac*, as the whole surrounding table-land was called by its inhabitants, peopled by various races of their own family, by whom the former occupants, whoever they may have been, had for several centuries been entirely supplanted. The city of Mexico was founded in 1325, and the well-known valour and ferocity of its inhabitants soon rendered them formidable to the surrounding tribes. 'Their conquests, at first confined to their immediate 'neighbourhood, gradually crossed the valley; then, crossing

* In this description, we have followed Mr Prescott's text in preference to his map. According to the latter, *both* branches of the southern causeway lie to the westward of the strait. But if this is correct, it becomes impossible to understand the numerous passages in which the eastern branch is spoken of as commanded by the City of Iztapalapan.

'the mountains, swept over the broad extent of the table-land, 'descended its precipitous sides, and rolled onwards to the Mexi-'can gulf, and the distant confines of central America.' * Their final territory—though its precise limits cannot be clearly ascertained, and were not perhaps very accurately defined—appears to have formed a quadrilateral tract of country, extending across the continent, and 'reaching from about the eighteenth degree 'north to the twenty-first, on the Atlantic, and from the four-'teenth to the nineteenth, on the Pacific.' † It comprised, according to this calculation, about 16,000 square leagues—an extent, as Mr Prescott justly remarks, 'truly wonderful, con-'sidering it as the acquisition of a people whose whole popula-'tion and resources had so recently been confined within the 'walls of their own petty city; and considering, moreover, that 'the conquered territory was thickly peopled by various races, 'bred to arms like the Mexicans, and little inferior to them in 'social organization.' ‡

In spite of all the melancholy interest which attaches to the memory of a brave and magnificent nation, struck down from the highest pitch of their power and prosperity into hopeless slavery, it is impossible to read Mr Prescott's work without becoming convinced that the Aztecs were, upon the whole, as bloody, barbarous, and worthless a race as ever made themselves a scourge to mankind. They united the vices of the American savage with those of the Asiatic satrap. They carried on war with all the pitiless fury, though with little of the sagacity, of a Mohawk war-party; sparing neither age nor sex, and devoting every captive to torture and death. The most revolting cannibalism was constantly practised at their solemn festivals; partly as a religious rite, and partly, it should seem, from a species of horrible epicurism. On the other hand, they governed their dependents with all the sullen and inexorable severity of those petty Oriental despots under whose poisonous influence a province withers into a desert in a single generation. A Turkish pasha could not rob a famishing fellah—a Prussian recruiting-officer could not kidnap a solitary traveller—with more hardened indifference than the servants of Montezuma displayed in exacting his exorbitant tribute, or in selecting his human victims from the youth of Anahuac. There is certainly no limit to the ingenuity with which human nature will reconcile the most apparently inconsistent vices; yet it is strange to find the animal ferocity of the barbarian so successfully blended with the callous depravity of the civilized tyrant.

* Prescott, iii. 190. † Ibid., i. 5. ‡ Ibid., i. 19.

This taste for cruelty was encouraged, or rather inspired, by the strict observance of a religion perhaps the most horrible and revolting ever professed by human beings. The murderous rites of Moloch, Bhowanee, or Jaggernaut, were not to be compared in atrocity to those of Tlaloc and Huitzilopochli—the Aztec Neptune and Mars. Human sacrifices—usually regarded by the most fanatical idolaters as an awful resource for the expiation of extraordinary crimes, or the propitiation of extraordinary favours—were a necessary and familiar part of the ordinary Aztec worship. Every Mexican altar was literally a human shambles; and every Mexican temple a charnel-house—in which the traces of daily butchery were so abundant, that the Spaniards forgot at first their religious horror at the sight, in the irrepressible physical disgust which it excited. The number of victims annually slaughtered throughout the Mexican dominions has been variously calculated. But some idea may be formed of its probable amount from the undisputed fact, that 136,000 skulls were counted in the temple of Huitzilopochli—making an average of 680 yearly murders in honour of a single idol, during the two centuries of Aztec independence!

The proverbial expressions which associate brutal ignorance with brutal ferocity, were never more signally verified than by the social history of ancient Mexico. Perhaps no other instance can be produced of a nation which has made such considerable advances in the arts of sensual luxury, while so entirely destitute of intellectual cultivation. In many of the ordinary mechanical arts, the Aztecs displayed remarkable ingenuity. Their dwellings and apparel were very commodious, and abounded in gorgeous, though somewhat fantastic, decoration; they were eminently skilful in the preparation of delicious dishes and beverages; and their system of agriculture was far from deficient. But of all pursuits which require the prolonged exercise of the reasoning faculties, and even of most pleasures which appeal to the imagination, they were wholly and contentedly ignorant. They were altogether unacquainted with alphabetical writing, and even with any system of symbolical hieroglyphics; and their sole records of the past consisted in charts filled with grotesque paintings of the events commemorated—most of which were represented in so arbitrary and irregular a manner, that even the Priests, to whose care the national archives were committed, found themselves unable to agree as to their interpretation. Their language was rude, but at the same time singularly cumbrous and artificial, in its construction; and must have been in its pronunciation—to judge from the rugged knots of consonants by which European writers have endeavoured to express the proper names belonging to it—one of the most uncouth ever articulated by human beings. Of

painting and sculpture, considered as imitative arts, they may be said—with all their mechanical skill in colouring and carving—to have been wholly ignorant. The representations of visible objects in their hieroglyphical maps, were sketched with barely sufficient care and skill to show for what they were intended; and the huge idols which adorned their temples, were invariably hideous and shapeless monsters, which the superstitious Spaniards might well regard as the accurate resemblances of infernal spirits. Even in war, the pride and delight of the ferocious Aztecs, they displayed their characteristic incapability of forethought and combination. Both their weapons of offence, and the defensive armour worn by their chiefs, were so well constructed, that we find Cortes arming his infantry with the copper-headed lances of Chinantla; and many Spaniards, who were unable to provide themselves with the panoply of a cavalier, preferring the quilted tunic of the Aztec, to the buff-coat or leather corselet which formed the usual garb of an European private soldier. But of military tactics, or even of the common rules of military discipline, the Mexicans were unable to form any conception. Their choicest armies were little better than resolute and well-armed mobs, unable to manœuvre in concert, destitute of mutual reliance, and liable to be routed at a stroke by the fall of a leader or the capture of a standard. And to these, the ordinary defects of a tumultuary force, they added an infatuation peculiar to themselves—the opinion that it was far less glorious to slay an enemy than to drag him as a living victim before the shrine of Huitzilopochli. Of this absurd and atrocious superstition, we need only say, that it was on two occasions, if not more, the undoubted means of preserving Cortes himself from inevitable death.

Early in the sixteenth century, an ominous foreboding prevailed among the nations of Anahuac, that the downfall of the Aztec Empire was at hand. Vague rumours began to circulate among them concerning the race of mysterious and irresistible conquerors who had subjugated the West Indian archipelago; and whom the most orthodox sages of Tenochtitlan conjectured to be the descendants of the exiled demigod Quetzalcoatl, returned to verify the prophecies of ancient tradition, by claiming the abandoned Empire of their ancestor. The Emperor of Mexico, at this period, was Montezuma, second of the name—a name which classical superstition would have placed among the sounds of evil omen forbidden to human utterance. He was a man revered and dreaded by all Anahuac for deep policy, success in war, princely dignity of demeanour, haughty serenity of disposition, and rigid sanctity in the observance of his dreadful religion. But his high and resolute spirit was quelled by super-

stitious awe, and he now awaited, in resigned despondency, the appearance of his predestined destroyers.

At length the fatal news arrived. In the spring of 1519 a hieroglyphical scroll was transmitted to Montezuma by the viceroy of a district upon his eastern coast, containing an elaborate delineation of several huge canoes, wafted by linen sails, which had disembarked from five to six hundred strangers on the spot where the city of Vera Cruz now stands. The visitors, or invaders, were represented as men wholly differing in personal appearance from the tribes of Anahuac; but as resembling, in a remarkable manner, the traditional portrait of the mysterious Quetzalcoatl. Many of them carried deadly weapons, which were said to dart forth thunder and lightning at their pleasure; and their leaders were sheathed in complete armour of a beautiful and impenetrable metal. Above all, they were accompanied by several stately and powerful quadrupeds, far superior in size to any known in Anahuac, which were trained to carry their masters, completely armed, upon their backs, and to overthrow their enemies in battle. These astounding strangers were, in fact, a Spanish expedition from the island of Cuba, consisting of sixteen horsemen, and five hundred and fifty-three foot soldiers, under the leading of the renowned Hernando Cortes.

It might be difficult to point out, in the history of mankind, a race of more formidable conquerors, or more ruthless masters, than the mighty nation for whom this little band of adventurers acted in some sort as a forlorn hope. Spain, in the sixteenth century, was undoubtedly the first nation in Europe for military power and enterprising ambition. At the great battle of Ravenna, the Spanish infantry had been found superior in arms and discipline to those formidable Swiss phalanxes, whose victories over the Burgundian chivalry may be regarded as the origin of the modern system of warfare. There needed no more to place the conquerors where the Swedes afterwards stood under Gustavus, the Prussians under Frederick, and the French under Napoleon—at the very head of European soldiership. This power was wielded by a race whose thirst for conquest was inflamed by every feeling which can at once change men into beasts of prey—by the insatiable pride of the Roman, the greedy rapacity of the Hun or the Goth, the fanatic zeal of the Crusader, and the romantic vanity of the knight-errant. The Spanish cavalier may be described, with little exaggeration, as a champion who united the pugnacious ardour of Cæsar, of Alaric, of St Dominic, and of Amadis de Gaul. And his enthusiastic bravery was generally supported by that constitutional insensibility to hardship and privation, and that apathetic calmness under disappointment or

defeat, in which even the English soldier, so justly famed for his physical strength and his undaunted intrepidity, has been found inferior to the degenerate descendants of the American conquerors. But these qualities were unfortunately combined with others, which went far to justify the mingled dread and abhorrence with which even our proud and fearless ancestors regarded their perpetual enemy 'the Spaniard.' The energetic Castilian, so indefatigable in pursuing his own selfish ends, displayed much of that callous insensibility to right and justice, and much of that listless indifference to the sufferings of others, which distinguish the natives of Southern Europe. He was, moreover, easily excited to active crimes of the deepest dye, by the intolerant bigotry which was the disgrace of his age; or by the vindictive sensibility to offence which is still the disgrace of his nation. And he frequently added to these grievous failings a burning thirst for wealth, which never flinched from the most fearful danger while a hope of gratification remained. The more ignoble vices of the Spanish character were never so effectually repressed, as by the truly remarkable man who now commanded their army.

Hernando Cortes was the descendant of an ancient and honourable family in the province of Estremadura. He was born in 1485, at the little town of Medellin, and left Spain at the age of nineteen to settle in the West Indies. In a few years he was master of a flourishing estate in the new colony of Cuba, married to a young and beautiful wife, and in high favour with the governer, Velasquez—a weak, haughty, and violent man, from whose resentment Cortes had, at his first arrival, incurred considerable peril. In this situation he attained the prime of life. Every thing seemed to promise an old age of peaceful privacy to the wealthy and prosperous colonist. But there was in him an adventurous spirit, which was lulled only, not extinguished, by tranquillity; and he no sooner learned that Velasquez was fitting out a squadron for a voyage of discovery to the American continent, than he used every effort to procure the command. His acknowledged merit, and the interest of his friends, at first prevailed with the governor; but the jealous temper of Velasquez, and his knowledge of his lieutenant's daring and ambitious character, induced him, while the fleet was actually fitting out at St Jago de Cuba, to change his mind, and determine to appoint another commander. Cortes acted, in this emergency, with his usual unhesitating audacity. He got under way by night with all his ships, half stored and equipped as they were, and sailed from Cuba never more to return—thus at once embracing the alternative of complete success in his enterprise, or of irretrievable ruin from the enmity of his employer.

After touching at one or two places on the coast, where they met with a friendly reception, the Spanish fleet arrived in the river Tabasco in March 1519. The natives obstinately refused to permit any communication with the shore; nor was their subjugation in any manner essential to the great object of the expedition. But Cortes, urged by the spirit of knight-errantry which sometimes overcame his natural good sense and humanity, and, we must in fairness add, by a sincere though mistaken zeal for the honour of Christianity, resolved to plant the cross among these contumacious idolaters. He landed in spite of a desperate resistance, took possession of the neighbouring town, and, when the warriors of the nation assembled to repel him, encountered and signally defeated their whole force upon the neighbouring plains of Ceutla.

It is not always easy for the pacific reader to form an accurate judgment of the real merit and peril of such an exploit as this, and many others of the same nature hereafter to be noticed. A victory by a small body of troops, over an army twenty or thirty times their number, appears at first sight so prodigious an achievement, that we are apt to account for it in our own minds as we account for the feats of Achilles, or Rinaldo, by ascribing superhuman powers to the one party, or contemptible imbecility to the other. But a moment's reflection will show the real possibility, and the real difficulty, of such a victory. Every man, whether a soldier or not, will readily comprehend, that though fifty thousand men may make a simultaneous charge upon five hundred, it is physically impossible for more than a very small proportion of the assailants to come at any given moment into actual collision with the assailed. When the latter are overpowered, it is not in consequence of each soldier finding himself engaged with several enemies at once, but by the united weight of the hostile column breaking their ranks, or by a rapid succession of determined charges. Both these means of attack require at least the rudiments of military discipline; and consequently an army not possessing those rudiments, can very seldom bring their whole force to bear upon an inferior body drawn up in close order. In such a case, the task of the assailed party consists in repulsing a certain number of desultory onsets, each of which is made by an enemy inferior in arms, in mutual confidence, and probably in number, to themselves. In other words, the assailants can only hope to succeed by resolutely coming forward to be slaughtered, until their opponents are either exterminated man by man, or overpowered by bodily fatigue. This is a task which human resolution will seldom long support; and when once the courage of an army is quelled, it signifies little whether the

panic-stricken multitude be more or fewer in number—for, as a modern military writer has shrewdly remarked, a loss which would frighten fifty men will equally frighten fifty thousand. It may therefore be fairly asserted, that almost the only real antagonists defeated at Ceutla, were a few hundred of the bravest Tabascan warriors; and that the rest of their army, except so far as their presence tended to encourage their champions and dishearten their enemies, might as well have been encamped on the shore of the Pacific. The true merit of these singular victories—and it was merit of the very highest order—consisted in the calm and steady confidence with which the Spaniards discerned the weakness of their opponents, and availed themselves of their own strength. A few hundred Swiss pikemen or English archers, would probably have been an obstacle more physically formidable than the largest armies of Anahuac; but to perceive this fact must have required all the cool circumspection which is the highest characteristic of true heroism. The assault of an Indian army was, in short, one of the many trials which are easily surmounted by the brave, but become fearfully perilous to the timid and irresolute.

The Tabascans, now convinced of their inferiority in strength, had none of the motives for persevering resistance which induced the haughty Aztec to prefer death to submission. The day after the battle of Ceutla, an embassy arrived in the Spanish camp bearing offers of peace and homage, which were, of course, readily accepted. Presents were exchanged, allegiance sworn to the King of Spain, and mass celebrated in the principal temple of Tabasco. After this, Cortes continued his voyage along the coast, until he anchored, as we have seen, off Vera Cruz on the 21st of May.

There was naturally great doubt, and great difference of opinion, in the royal council at Mexico, whether the Spaniards should be received in a friendly or a hostile manner. 'But 'Montezuma,' says Mr Prescott, 'preferred a halfway course '—as usual, the most impolitic. He resolved to send an embassy 'with such a magnificent present to the strangers, as should 'impress them with a high idea of his grandeur and resources; 'while, at the same time, he would forbid their approach to 'his capital. This was to reveal at once both his wealth and 'his weakness.' * We are rather inclined to dissent from this censure. We think that the determination of Montezuma was upon the whole the wisest that could have been taken; and we

* Prescott, i. 287.

suspect, from the conduct of Cortes, that he strongly felt the difficulty thus thrown in his way. It would have been folly to admit the formidable strangers into the heart of the Aztec Empire, if they could be kept out. It would have been equal folly to rush into hostilities against them, if they could be kept out peaceably. But there was a chance that, if neither welcomed nor provoked, they might depart in peace; and this chance we think Montezuma did right to essay. Indeed, there can be no doubt that his policy was very nearly successful. An invitation to the capital, or an unsuccessful assault upon the Spanish camp, would infallibly have been the signal for an immediate march upon Mexico. But the firm yet courteous prohibition of the Indian emperor, discouraged the Spaniards without exasperating them; and they became eager to set sail on their return to Cuba. Cortes himself was indeed, as usual, sanguine and resolute; but it is impossible to conceive that he could have prevailed on his followers to support him, had not a fortunate accident given him the means of raising their hopes of success.

Very shortly after the unfavourable message of Montezuma had been received, an embassy arrived in the Spanish camp from the Totonacs—an Indian tribe inhabiting the coast to the northward of Vera Cruz, and lately subdued by the Aztecs—bearing offers of allegiance, bitter complaints of oppression, and entreaties for protection. 'This communication was eagerly listened 'to by the general. . . . . . . An important truth now flashed on 'his mind; for his quick eye discerned, in this spirit of discon'tent, a potent lever, by the aid of which he might hope to 'overturn the barbaric empire.' * With as little delay as possible, he marched with his whole army to Cempoalla, the chief city of the Totonacs; where he was welcomed with the utmost delight and veneration. The whole nation was formally taken under the protection of Spain; the idols in the Cempoallan temples were thrown down and replaced by the crucifix; and a Spanish fortress or colony, to be named La Villa Rica, was founded upon the neighbouring coast. Some Aztec envoys who chanced to arrive in Cempoalla, and who threatened the Totonacs with the heavy displeasure of Montezuma, were arrested and expelled from the town; and owed their lives to the politic protection of Cortes himself. An embassy was speedily received from their master, remonstrating in very mild terms against this proceeding, and requiring an explanation. Cortes sent back a courteous but evasive answer; and concluded by stating

* Prescott, i. 299.

his intention to visit Mexico, and justify his conduct to the Emperor in person.

It was now, we think, that Montezuma was found wanting to his country and himself. After the communication received by Cortes at Vera Cruza, his present message, however respectful in terms, was, in fact, an open defiance of authority. A firm and temperate warning of the consequences, backed by a formidable show of preparation for resistance, might yet have induced the adventurers to pause before they suffered their leader to plunge them into a deadly conflict with a great Empire, of whose power and resources they were wholly ignorant. But Cortes, who perhaps feared such a measure, guarded against its possible effect, by a stroke of that prompt and perilous daring in which he surpassed all men. He exerted his authority and influence to procure a report from the pilots in charge of the fleet, that the ships were unseaworthy; and he unscrupulously acted upon this report, by ordering the whole squadron to be dismantled and sunk by a party of his most devoted followers, without the knowledge of the army. Had this measure been adopted by general consent, it would still have been one of the most daring recorded in history. But the peril which Cortes shared with his followers was trifling compared to that which he incurred from their resentment. The Spanish Chroniclers have not given us the particulars of the mutiny which took place, when the army first learned that their retreat had been wilfully cut off by their leader; but they agree that never was Cortes in greater danger, and that never did he more dexterously and manfully confront it. It is certain that the indignation of the soldiers was speedily appeased; and that in a few hours they were eagerly summoning their general to lead them at once to the gates of Mexico.

On the 16th of August, the Spanish army, leaving a small garrison in Villa Rica, set forth from Cempoalla on their march to the capital. Their forces amounted to fifteen horsemen, four hundred foot soldiers, and thirteen hundred Totonac warriors; and they were provided with seven pieces of cannon. They proceeded for several days in undisturbed security; for Montezuma had shrunk from resenting the disobedience of Cortes as became an insulted sovereign. But the resistance which the Aztec Emperor dared not require from his own subjects, was soon attempted with the utmost valour and obstinacy by his hereditary enemies.

About halfway between Cempoalla and Mexico, lay the small mountainous state of Tlascala. It was remarkable for containing the only tribe of Anahuac which had successfully resisted the Aztec arms. The Tlascalans, though ruder and poorer than

their kinsmen of Tenochtitlan, were in many respects the nobler race of the two. They were as pitiless in their enmity, and as sanguinary in their religious rites; but they were peaceable and inoffensive when unprovoked, eminent for honesty and good faith, and the most resolute and successful warriors in all Anahuac. Upon reaching the frontier of this province, Cortes halted and sent forward a Cempoallan embassy; requesting the alliance of the nation, and offering to assist them against Montezuma—whose enemy he now professed to be. But the Tlascalans either disbelieved his assurances, or, more provident than the Totonacs, suspected that the remedy might prove worse than the disease. With a duplicity very unlike their usual character, they pretended to accept the alliance of the Spaniard; but, at the same time, they made every preparation to resist his further progress. The invading force was successively encountered by two powerful Tlascalan armies, under their renowned general Xicotencatl. We wish that we could gratify our readers by extracting Mr Prescott's animated account of the desperate engagements which followed—of the brilliant array of Tlascalan warriors, resplendent in gold, jewels, and feathered mail—of the hideous shriek or whistle which accompanied their onset—and of the ferocity with which they attacked the Spaniards, cleaving down horse and man with the powerful *maquahuitl.** The conquerors may have afterwards met with greater peril of discomfiture, but they were never so manfully withstood in the open field. At length, however, the horses, the fire-arms, and the discipline of the Europeans, directed by the genius of their Commander, prevailed over the tumultuous efforts of the Tlascalans, who were little superior to the other races of Anahuac in military skill or intelligence. One more effort was made, at the urgent entreaty of the indomitable Xicotencatl, to surprise the Spanish camp by night; but Cortes was upon his guard, and the assailants sustained a bloody repulse. This stroke finished the campaign. An embassy was sent to the Spaniards, requesting peace, and inviting them to Tlascala. They were hospitably received in that city on the 23d of September, and from that day the gallant mountaineers —as faithful and generous in friendship as they were fearless in war—became the most devoted allies of Cortes and his followers.

After residing about three weeks among their new confederates, the Spanish army continued their march, attended by 6000

* The *maquahuitl* was a sort of two-handed sword, resembling a quarter-staff, and edged with sharp and brittle blades of obsidian.

chosen Tlascalan warriors, to the neighbouring city of Cholula, whose inhabitants had sent offers of hospitality to Cortes. Cholula was an ancient and beautiful town, and was looked upon as the metropolis of the Mexican religion—the Benares or Mecca of Anahuac. The adventurers were courteously and splendidly welcomed by the natives, and were quartered in one of the massive temples of the place, where they passed several days in security. But the sharp-sighted Tlascalans, who had frequently warned Cortes against the wily and perfidious character of the Cholulans, speedily brought him intelligence of secret preparations in the city for the destruction of the Spanish army. These suspicions were soon after confirmed by the wife of a Cholulan Cacique; from whom Cortes succeeded in procuring complete information of the intended treachery. The Spaniards were to be attacked and overwhelmed by numbers while leaving the city, in situations where their cavalry and artillery could not act; and a force of 20,000 Aztecs was actually encamped near Cholula, in readiness to assist the inhabitants in their perfidious design. The news gave great anxiety to Cortes, for he was already in the toils, and could only baffle the intention of his enemies by submitting to be blockaded in his quarters. But he thought it possible to tempt the Indians to a premature assault upon his present position, and thus to inflict a severe and discouraging blow upon them without exposing his own men. With this hope, he requested the Cholulans to supply him with 2000 warriors, to act as *tamanes*, or porters for the baggage of his army; and, in compliance with his request, the required number was, on the morning fixed for his departure, marched into the square or court around which the temple occupied by the Spaniards was built. Then Cortes, secure of his advantage, turned sternly to the Cholulan Caciques, and suddenly upbraided them with their attempted treachery. Before they could recover from their guilty astonishment, the fatal signal was given to the troops. A heavy fire was suddenly opened upon the panic-stricken *tamanes*, and a desperate charge made among them by the exasperated Spaniards. The Cholulan forces lying in ambuscade without fell into the snare. Overcome by rage and consternation at the news of the massacre, they deserted their posts in the town, and made a tumultuous attempt to storm the temple. But every preparation for defence had been warily made; and the Cholulans were not men to carry a strong post against means of defence which had foiled the warlike Tlascalans in the open field. The assailants—swept away by the artillery, driven back by the charges of the horse, and suddenly attacked in the rear by the zealous Tlascalans, who had been encamped without the city—speedily fled on every side;

and the Spaniards, sallying forth in pursuit, plundered the city, until recalled by the orders of Cortes.

Mr Prescott, always zealous in the cause of mercy and generosity, speaks with severe but not uncandid censure of the massacre of Cholula. He palliates it as the crime of an adventurous soldier in semi-barbarous times, and under bitter provocation; but he acknowledges that it has left a deep stain upon the memory of Cortes. We certainly think that he might have taken much higher ground in defence of his hero. He does not seem to consider that the assault upon the *tamanes* was not an act of vengeance, but a necessary stratagem to obtain deliverance. It was only by throwing the Cholulan ambuscades off their guard, that Cortes could hope to tempt them from their advantageous posts in the city. Nothing could have effected this more surely than the actual sight and sound of a conflict, in which their accomplices were perishing for want of rescue. The slaughter of so many defenceless men was no doubt a stern necessity, and we hope and believe that Cortes felt it as such; but we must remember that it *was* a necessity, and that the sufferers had helped to make it so by their own perfidy. Had they been dismissed unhurt, or had their countrymen possessed sufficient coolness to perceive the hopelessness of attempting to save them, the Spaniards could only have left Cholula by fighting their way through a labyrinth of narrow and blockaded streets—an enterprise which, even if finally successful, might well have anticipated the worst disasters of the *Noche triste.*

Some days after this catastrophe, Cortes quitted the humbled city of Cholula, and entered the hereditary dominions of the Aztec race. Here he was forsaken by the Totonac warriors who had followed him thus far. They had stood by him most bravely and faithfully throughout his perilous campaign in Tlascala; but not even the protection of the mighty strangers could embolden them to confront the offended presence of Montezuma. They were honourably dismissed by Cortes, and then the Spaniards and Tlascalans proceeded to surmount the rugged *sierra* which girds the valley of Mexico. After a toilsome march of two or three days, they arrived in sight of the promised land, lying at their feet in its belt of dark porphyry, and resplendent in the pure and lucid atmosphere of the Tropics. It was a scene of extraordinary beauty, blooming with rich cultivation, adorned with noble sheets of water and stately forests of oak and cedar, and gemmed with the white towers of towns and villages—some nestling amid the luxuriant foliage of the woods, and others appearing to float upon the blue surface of the lakes. So striking was the spectacle, and such a promise of power and prosperity

did it display, that the feebler spirits among the invaders were ready to abandon their enterprise in the very crisis of its fate; and it required all the energy of their resolute leader to restore their zeal for the trial.

Descending the slope of the mountains which form the southern bulwark of the valley, the adventurers proceeded without opposition until they reached Ajotzinco, a large town at the southern extremity of the Lake of Chalco; where they were visited and welcomed by the King of Tezcuco, formerly the ally and colleague of the Mexican Emperor, but now the greatest of his vassals. Under this honourable guidance, Cortes marched across the causeway which divides the lakes of Chalco and Xochichalco; and proceeded along the eastern shore of the latter to the beautiful city of Iztapalapan. And on the 8th of November he quitted this, his last halting-place, and advanced upon the eastern branch of the great southern causeway of Mexico. During his passage, the lake, on both sides of the dike, was filled with canoes, and even its edges were crowded with eager spectators. The feelings of the Aztecs—a conquering and imperious race, who suddenly saw their power defied, and their homage claimed, by a band of wandering strangers, the allies of the detested Tlascalans—may be more easily imagined than described. But those of the triumphant invaders were far from those of unmixed exultation; and the boldest Spaniards confessed that their hearts sank within them, when the closing gates of the fort of Xoloc announced that they were fairly enclosed in the stronghold of the great Montezuma.

At this point—a gateway placed at the spot where the two branches of the southern causeway united—the army was received by the Mexican Emperor in person—a man well qualified, in outward show at least, to represent the barbaric prince. He was in the prime of life, graceful in presence, and handsome in countenance. His portrait, with its regular features, its mild and melancholy eye, and its general air of calm and mournful dignity, bears some resemblance to that of another victim of Spanish ambition—the Moorish prince Boabdil el Chico—so like Montezuma in his character and his misfortunes. Not all the tormenting anxiety of his mind could disturb the self-possession of his deportment; and the Spanish Cavaliers—always excellent judges of politeness—were charmed with the lofty courtesy of his manners, at once full of the consciousness of superiority, and wholly free from its assumption. We pass over Mr Prescott's picturesque description of the courtly greetings which masked the fears of Montezuma, and the wary distrust of Cortes; as well as of the barbaric splendour with which

the Spaniards and their allies were welcomed to the imperial city. They were quartered in a large range of buildings near the centre of the city, which had formerly been the palace of the Emperor Axayacatl, Montezuma's father; and here they passed several days in repose, constantly visited by the Emperor, and supplied with every comfort by the citizens.

This state of security could not long endure. Cortes, though he somewhat mistook the real character of the Aztec nation, was not so far deceived as to doubt their impatience of his presence. Montezuma had indeed let fall some complimentary expressions, which implied willingness to acknowledge the supremacy of Spain; but it was doubtful whether, supposing him to be in earnest, his subjects would allow him to carry out such an intention. It was soon a subject of anxious consideration with Cortes, what security against a revolt of the city he could find a pretext for demanding; and his plans were hastened by unfavourable tidings from the coast. An Aztec Cacique, named Quauhpopoca, had assaulted the new settlement at Villa Rica; and had been only repulsed after a severe battle, in which the Spanish Commander and several of his men lost their lives. Cortes resolved to make this outrage a plea for the extraordinary measure of requesting, and if necessary compelling, Montezuma to take up his residence in the Spanish quarters—in other words, to become a hostage for the peaceable behaviour of his subjects. The Emperor was at first deeply indignant at this daring proposal. But the courteous entreaties of Cortes were backed by the menacing looks and weapons of his most resolute officers; and Montezuma, with his usual timid anxiety to postpone the struggle which he ought to have seen was inevitable, gave a tardy and reluctant consent. He passed with his whole personal retinue, amid the silent consternation of his subjects, to the palace of Axayacatl, where he was received by his captors with the most profound respect. This surprising event took place only a week after the first arrival of the Spaniards in Mexico.

Here, again, we think Mr Prescott has been somewhat too rigid in his judgment upon the conduct of Cortes. He considers it merely as a stroke of policy, intended to enable the Spaniards to govern in Montezuma's name; and pronounces it 'a proceeding to which few men could have been equal who had a touch of humanity in their natures.'* But we must remember that the lives of the adventurers were at stake, as well as their influence. Rightly or wrongly, they had placed themselves in a

* Vol. ii. 163.

position of fearful peril; and it is too much to expect any extraordinary delicacy from men so situated. We should be sorry to argue for expediency against morality; and we by no means assent to Mr Prescott's concession, that, if the conquest of Mexico were a duty, whatever was necessary to effect it became right also. But though to do evil that good may follow can never be justifiable, it may, where the evil is trifling and the good important, become far from inexcusable. We think the severest moralist might pause before pronouncing a General insensible to humanity, because he cared little for the pride of an Indian prince when the lives of his own followers were at stake. But this is conceding too much. We do not admit that the mortification inflicted on Montezuma was undeserved. We do not admit that his seizure was, what Mr Prescott calls it, the 'kidnapping of 'a friendly sovereign.' It was the disarming of a secret enemy. No doubt, he had received the Spaniards with an imposing show of courtesy and friendship. But, while making these professions, he was, as we shall soon find, instigating the assault upon Villa Rica; and, just before, had been in all probability the originator of the conspiracy at Cholula. Surely it was not for such a man to complain that the Spaniards showed want of consideration for his feelings and his dignity. It was something—for Spanish adventurers in the sixteenth century it was much—if they forbore to inflict upon him the fate which he had intended for them. We firmly believe, that Cortes was the only Captain of his day in whose hands Montezuma's life would have been safe for a single moment, after it had become possible to destroy him.

In the mean time, Quauhpopoca had been deprived of his government by the authority of his sovereign, and sent under arrest to the capital. Upon his arrival, he was tried and executed, his proceedings being solemnly disowned by Montezuma. But the unfortunate Cacique and his principal accomplices united in throwing the blame of their enterprise upon their perfidious master; and we are sorry to add, that Cortes, giving faith to their assertions, vented his passion by ordering his royal guest to be confined in fetters. His better nature soon made him ashamed of so useless and ungenerous an insult, and he did what little he could to soothe the anguish inflicted by his cruelty; but nothing could restore the peace of mind and self-respect of the unhappy captive.

Every thing appeared, for three or four months after the seizure of Montezuma, to favour the projects of the Spaniards. The Aztecs continued to obey their Emperor with their usual submissive loyalty, although he remained under restraint. Montezuma himself was induced, without any apparent reluctance,

to perform his promises by publicly swearing allegiance to Spain. Cacama, King of Tezcuco, who protested against this abandonment of national independence as the result of compulsion, was deposed in favour of his brother, a boy of fifteen. Above all, one of the principal Mexican temples was assigned as a place of worship for the Spaniards, the idols were removed, and mass was solemnly performed in the face of the whole city. But this last innovation was too much for Aztec fanaticism. The whole influence of the Priesthood was immediately exerted to inflame the resentment of the people, and it soon became clear that an open struggle was at hand. Montezuma himself warned the Spaniards that the gods had spoken; that he could no longer protect them; and that instant departure was their only hope of safety. Cortes so far acted upon his information, as to make every preparation for a resolute defence; though it seems clear that the past submission of the Mexicans still caused him, acute as he was, to undervalue their stubborn and vindictive bravery. But while affairs were in this state of menacing tranquillity at the capital, tidings arrived from the coast which warned the Spanish General of a new, an unexpected, and a formidable danger.

Velasquez, the capricious and offended patron of Cortes, had not failed to vow revenge for the very justifiable stratagem by which his Lieutenant had baffled his tyrannical designs. He lost no time in assembling an army and equipping a fleet; the command of which he entrusted to Panfilo de Narvaez, a brave but rash and arrogant officer. This new armament consisted of eighteen vessels, carrying a force of eight hundred infantry and eighty cavalry—the whole, as Mr Prescott remarks, forming the most powerful armament ever till then equipped in the western hemisphere. On the 23d of April 1520, Narvaez arrived at the anchorage of the fleet destroyed by Cortes; and immediately sent messengers to the settlement at Villa Rica, announcing his authority to supersede and arrest Cortes, and requiring an immediate surrender. Villa Rica was at this time commanded by Gonzalo de Sandoval, one of the bravest, and decidedly the most skilful, the most trustworthy, and the most attached, among the companions of Cortes. He promptly sent off the messengers of Narvaez, under close arrest, to Mexico; and then proceeded, with a stubborn resolution worthy of the great soldier whose favourite pupil he was, to prepare his handful of followers for a desperate defence of their post.

The news might have shaken any heart less stout than that of Cortes. Beset as he was in the capital of a hostile Empire, he now found his principal support—the name of the power as whose

representative he had appeared—taken from him, and likely to be used for his destruction. His first step was to send back the envoys of Narvaez with cordial offers of friendship, and earnest representations of the common ruin to which hostilities between them must lead; and he then resolutely made his preparations for the worst. He knew that, if he remained at Mexico, he must sooner or later be overpowered; for Narvaez had expressed his determination to set free Montezuma, and the whole Aztec nation were sure to join him against the dreaded *Malintzin.* A sudden and successful *coup-de-main* was his only chance of escape; and that chance, desperate as it seemed, Cortes embraced. He was well aware that Narvaez was indolent and reckless; and that he had become unpopular among his troops, who cared much for the plunder of Tenochtitlan, and little for the punishment of its captors. He thought that, though a decisive victory was impossible, a partial disgrace might easily be inflicted upon such a General, and must greatly disgust and dishearten such an army. A single superficial triumph would be sure to make an opening for intrigue and for mutiny; and he might thus at once get rid of his enemy, and procure a powerful reinforcement. Thus reasoning, Cortes set off from Mexico with seventy picked followers, leaving a strong garrison in the palace of Axayacatl; and, drawing in one or two detachments on his route, arrived at the coast with two hundred and sixty-six men. The success of his daring scheme was far more rapid and complete than he could have ventured to hope. The troops of Narvaez were quartered in the town of Cempoalla, with scarcely the ordinary precautions against surprise, which every small foraging or reconnoitring party adopts in the presence of an enemy. Cortes selected a dark and stormy night—entered Cempoalla with his whole force, and, penetrating to the quarters of Narvaez, made him prisoner, with all his personal attendants. A few desultory attempts to assist or rescue the captured General were easily repulsed—the whole loss on both sides amounting to only eighteen men slain. In the morning, the main body of the discomfited army—some discouraged by the loss of their commander, and others, no doubt, heartily glad of an excuse to exchange the service of so incompetent a chief for that of the renowned Cortes—surrendered without further resistance. Fortunate it was for all parties that such was the result; for had Narvaez overpowered his enemy, and taken the command at Mexico, not a Spaniard would ever have returned to tell the tale of the *Noche Triste.*

Scarcely had this formidable peril vanished—scarcely had Cortes secured his triumph, by reconciling the jealousies of his old and new followers—when a messenger arrived from Mexico,

bearing the dreaded news that hostilities had actually commenced. The Spaniards had been assaulted more than once, though not yet seriously; and were now upon the point of being blockaded in their quarters by a rapidly increasing force. The prospect of danger was most formidable; but Cortes, even could he have persuaded himself to relinquish the capital, was not a man to desert his comrades. He left Cempoalla at once, with all his own men, and as many of the late followers of Narvaez as he could prevail upon to accompany him; and with this force, amounting to 1000 foot and 100 horse, he arrived at Mexico on the 24th of June. He was permitted to cross the valley, and enter the city without opposition; and, indeed, he every where remarked, with great anxiety, the ominous distrust with which the natives avoided his line of march. But the deadly provocation which the Aztecs had received in his absence, and the implacable vehemence of their resentment, far surpassed his gloomiest anticipations.

Pedro de Alvarado, the officer left in command at Mexico, was a Cavalier of daring courage and brilliant accomplishments; but reckless and imprudent in his conduct, and of a rash, fiery, and sometimes ferocious temper. He had the folly and the wickedness to perpetrate, in the great temple of Huitzilopochli, a massacre, which only differed from that of Cholula, in being apparently unprovoked, and certainly unnecessary. Six hundred Aztecs, including many nobles of the highest rank, were said to have perished in it; and the consequence was, of course, the rising in arms of the whole nation. The outrage was as senseless as it was atrocious. Alvarado himself could only excuse it by a vague and improbable tale of concealed weapons and intended treachery; and his real motives are so inexplicable, as to reduce some Spanish historians to the shameful conjecture, that their countrymen actually murdered the unhappy Indians, in order to despoil them, like common thieves, of their dress and ornaments. Cortes was struck with consternation by this dreadful tale; he listened to the report of Alvarado in silence, and turned from him, at its conclusion, with a brief and bitter rebuke. But the mischief was irreparable. To inflict the heavy penalty which he had often justly exacted for far less guilty excesses, would have been an act of unjustifiable, because useless and impolitic, severity. No reparation could have pacified the infuriated Aztecs; and the bravery of the delinquent, together with his powerful influence over the soldiers, were likely to prove of the highest value in the impending struggle. Nothing, therefore, remained but a contest for life or death, between about

1200 Spaniards and 8000 Tlascalans on the one side, and the whole Mexican Empire on the other.

It should seem that the Aztecs, although they might easily have overpowered Alvarado and his garrison, had purposely refrained from pressing the assault, in order to lure back Cortes and the rest of his followers to the capital, and crush the whole invading army together. But scarcely was it known that *Malintzin* was returned to the palace of Axayacatl, when the deserted streets of Mexico were filled with an innumerable army, headed by all the chivalry of the Empire; and the Spanish quarters were desperately assaulted on every side. The attack continued with unabated fury during the five or six following days; though, fortunately for the wearied garrison, the prejudices of the Aztecs forbade any attempts to surprise the place by night. But from sunrise to sunset the besiegers kept up a constant and harassing flight of missiles; and made such daring efforts to enter the palace, that it was more than once upon the point of being carried by storm. The Spaniards, on the other hand, behaved with their usual skill and valour. They had thirteen pieces of cannon mounted, which never failed to inflict severe loss upon the Aztecs as they advanced to scale the walls; and they met the surviving assailants with such determined resolution, that all who succeeded in penetrating the outer defences perished to a man. The streets were frequently cleared for a considerable distance by the desperate sallies of the cavalry; and these charges were invariably led by Cortes himself, who excited the enthusiastic admiration of the whole army by his prowess in the *mêlée*, and above all, by his self-devotion in rescuing such of his comrades as were in danger of capture. Upon the third day of the siege, it became necessary to drive the enemy out of the great Temple of Huitzilopochli, which commanded the Spanish fortress; and the place was accordingly stormed by three hundred picked men, headed as usual by Cortes, though he was partially disabled by a wound. The defence was desperate; but, after a conflict of three hours, the Temple was carried sword in hand, and the Aztecs who occupied it were almost all cut off. But all these feats of valour seemed ineffectual. The losses of the besiegers were supplied by constant reinforcements, and they persisted in their attacks with undiminished ferocity.

Several attempts at negotiation were made by the garrison, ut all proved wholly unsuccessful. The Aztecs would give no wer except the declaration, that the whole invading army uld perish upon the altars which they had violated. But what appalled the sagacious Cortes far more than the most boastful threats of vengeance, was the calm and rational view

which the enemy seemed to take of their real strength and prospects of victory. They knew, they said, that they could only hope to succeed after numerous failures and severe loss. But they also knew, that success was sooner or later certain, and they were content to buy the life of every Spaniard with those of a hundred Mexicans. Men who could reason thus were dangerous enemies; because they were comparatively secure against the demoralizing influence of defeat, usually so fatal to barbarian armies. It was, however, thought by Cortes, that the influence of Montezuma, who still resided in the palace of Axayacatl, might be exerted to procure favourable terms for the garrison. The captive Emperor willingly consented to make the attempt; for he knew that the unmolested departure of the Spanish army would effect his own liberation; while a triumph over them, achieved in his absence and against his known desire, might be fatal to his authority over his warlike subjects. On the morning of the third day of the siege, he appeared upon the ramparts of the besieged palace, clad in his royal robes, and attended by his whole retinue. He addressed the assailants with his usual dignity, and was at first listened to with profound respect. But when it appeared that he was recommending a truce with the invaders, he was interrupted by curses and revilings, and at length received a severe wound by a volley of missiles from his infuriated audience. The injury was not in itself mortal; but the grief and mortification of Montezuma at such an unprecedented outrage, were too much for his haughty spirit to endure. He expired—to appearance of fever, but in truth of a broken heart—on the 30th of June. He was treated with every possible attention during his short illness; and his body was surrendered to the Aztec chiefs by the Spaniards, all of whom seem to have felt sincere sympathy for the misfortunes of their gracious and courteous host.

The present state of affairs could not last. Nearly three hundred Spaniards, and a great number of Tlascalans, had already been slain or disabled; and another week like the past would leave the garrison incapable of manning the walls of their fortress. Provisions and ammunition were becoming scarce; and, above all, the untried and undisciplined levies of Narvaez were fast losing their self-command, and had already shown ominous symptoms of insubordination. The sole resource left to the besieged, was a desperate effort to cut their way through the enemy to Tlascala; and such was their reluctant determination. The arrangements for their retreat were soon made. The van of the army was commanded by Sandoval, the main body by Cortes himself, and the rear by Alvarado and Velasquez de Leon

—a brave and high-born Cavalier, who had led the assault upon Cempoalla. The line of march was to be the western causeway, which connected the capital with the neighbouring town of Tlacopan or Tacuba, and was the shortest of the three.

On the night of the 1st of July 1520—a night memorable for its terrors in the annals of New Spain—the besieged army, after hearing mass, marched forth in deep silence from the palace of Axayacatl. They traversed the city unopposed, and apparently unobserved, and arrived in safety upon the causeway of Tacuba. It was about two miles in length, and was intersected by three wide moats or trenches. The first was easily crossed by means of a portable bridge, which Cortes had taken the precaution to provide. But, in the mean time, the alarm was given; the great Mexican war-drum sounded from the summit of the Temple of Huitzilopochli; the dashing of oars was heard rapidly advancing through the stillness of the tropical night; the lake was covered by a rush of innumerable canoes; and the Aztec warriors scaled the causeway on both sides with their usual impetuosity. But amid the fearful tumult of the night-attack, the Spaniards still preserved their presence of mind, and fought their way steadily forward, without any serious loss, until they reached the second gap in the dike. Here the great disaster of that fatal night took place. The portable bridge was eagerly called for, but it was found that the passage of the artillery had wedged it so firmly into the earth of the causeway, that its extrication was impossible. These dreadful tidings shook for a time the firmness of the boldest veterans; and a disorderly rush was made through the shallow water, in which many lives were lost. It is easy to imagine the advantage which the Aztecs, in their canoes, possessed over men swimming for their lives; and, indeed, nothing but the assistance of the horses, most of which perished in this desperate service, and the daring exertions of their riders, enabled the Spaniards to obtain a footing beyond the trench. This, however, was at length effected; the water, being choked with carriages, rubbish, and the bodies of the slain, became tolerably passable; and the army passed slowly on, though still assaulted on every side. It now seemed as if the worst were over; for Cortes, and most of his choicest followers, outstripping the main body of the assailants, arrived at the third trench, and passed it with comparative expedition. But it was soon perceived that the rearguard was making no progress to join them. They were hemmed in by the Aztecs, and would have been already cut off but for the exertions of the fierce Alvarado, who, though wounded and unhorsed, continued to rally his soldiers, and make good his hopeless post against

the enemy. The attempt to rescue him appeared utterly desperate; but the heroic Cortes did not hestitate for a moment. Wounded and weary as he was, he plunged at once into the lake with Sandoval and all his surviving horsemen; reached the scene of action; and, driving back the Mexicans by a desperate charge, enabled most of the infantry to cross the third trench unmolested. But the enemy quickly rallied; the cavalry sustained some loss before they regained the mainland; and none of those whom they left behind succeeded in escaping, except Alvarado himself. He was almost the last man to attempt the passage, and his fate seemed certain; but upon reaching the water's edge, the desperate soldier sprang clear over the trench, with an effort so tremendous, that even his infuriated pursuers paused in astonishment at the sight, and the spot was long after known as the Leap of Alvarado. The battle was now nearly at an end. The remnant of the Spanish army had reached the termination of the causeway; and the Aztecs, whose loss must have been exceedingly severe, showed no desire to intercept their retreat, by renewing the conflict upon the mainland.

There can be no doubt that the passage of the Tacuban causeway would have been regarded, under any ordinary circumstances, not merely as a most providential deliverance, but as a stronger proof of Spanish superiority, than the most decisive victory upon equal terms. An army of little more than seven thousand men, compelled to force their way through such formidable natural obstacles, and that opposed by a force of probably ten times their number, might well consider any thing short of utter annihilation as a glorious triumph. The escape of Cortes himself, with most of his chief officers, and so many of his bravest followers, might therefore have been expected to fill the Mexicans with disappointment and mortification. But the present was no common contest. It was a contest in which the one party openly acknowledged the superior prowess of the other, and risked their hopes of final success solely upon obstinate perseverance in braving defeat. Every success, no matter how imperfect or inglorious—every loss to the enemy, no matter at what expense inflicted—nay, every defeat which helped to exhaust the strength of the victors—was a subject for exultation to the vindictive Aztecs. A few more months of struggles and sufferings—a little more patience under disgrace and discomfiture—and the mighty invaders would be remembered with the Mammoth and the Mastodon, the evil genii of Indian tradition. The present victory, if victory it could be called, was at all events sufficient to destroy the *prestige* of Spanish invincibility. It was the first conflict in which they had failed to overthrow the army

opposed to them. It was the first in which they had abandoned the field of battle to their enemies. Above all, it was the first in which they had sustained a loss of life at all proportioned to the apparent severity of the action. About four hundred and fifty Spaniards, besides nearly four thousand Tlascalans, had been drowned, slain, or taken prisoners. All the horses but twenty-three had perished; the artillery was, of course, entirely lost; and even the muskets and ammunition had been abandoned during the desperate exertion of fording the trenches. Not more than five hundred Spaniards and two thousand Tlascalans remained in fighting condition; and these could only hope for safety by forcing their way through the triumphant enemy, until they should reach Tlascala. It is true that this loss had fallen chiefly upon the soldiers of Narvaez, who composed the rearguard; that, except the gallant Velasquez de Leon, few or no Cavaliers of distinction had fallen; and that Cortes had the consolation of seeing most of his old companions—the veterans of Tabasco and Tlascala—still around him. But the prospect was nevertheless most dispiriting; and the fatal battle upon the causeway has constantly been known in Spanish history by the gloomy title of *La Noche Triste.*

For seven days the Spaniards continued their toilsome march around the northern extremity of the Mexican lakes, and through the *sierra* upon the north-eastern side of the valley. They suffered much from hunger and fatigue; and something from the assaults of the natives, who frequently occupied the heights commanding the road, and annoyed the army with their missiles. But no serious attempt was made to interrupt the retreat, and Cortes began to hope that he should reach Tlascala without any further difficulty. He was soon terribly undeceived. Upon surmounting the ridge which commands the valley of Otompan or Otumba, the Spaniards found their road beset by the whole force of the surrounding country, in such numbers, that the plain appeared to be filled to the very horizon with weapons and banners. It was a sight which might have chilled the boldest heart; 'and surely,' said the dauntless Cortes himself, 'we all 'believed this to be the last of our days.' But the habitual cruelty of the Aztecs defeated its own object. Could the Spaniards have hoped for safety in captivity, it is probable that few, wearied and disheartened as they were, would have followed their General to the assault. But the recollection of the *stone of sacrifice* in the bloody temple of Huitzilopochli, gave unnatural energy to every man among them; and they charged their enemies with their usual determined valour. The encounter was far more arduous and doubtful than usual; for the Mexicans, no

longer kept at bay by the fire-arms, closed so resolutely and in such rapid succession, that, although continually beaten off, they were on the point of overpowering the Spaniards by the bodily fatigue of the struggle. The progress of the little phalanx through the disorderly multitude became every moment more laborious; and nothing but the occasional respites afforded by the desperate charges of the cavalry, enabled them to keep their ranks. At length the infantry, worn out by wounds and labour, came to a halt; and the weary horses could scarcely repel the assailants, who crowded upon them, says a Spanish Chronicler, like breakers round an islet. But the army was rescued, in this desperate crisis, by the coolness and daring of their General. It chanced that they had penetrated in a direction towards the post of the Mexican Commander-in-chief; and that, during their last deadly struggle, his banner and retinue were visible close in the rear of the assailants. Cortes perceived at a glance the unexpected chance of rescue and victory. He made a sudden and furious charge, cut through the enemy with a few of his bravest Cavaliers, and killed the Mexican General upon the spot with his own hand. Strange as it may seem, the Indians were terror-struck at the moment of victory, by the fall of a man who appears to have been a mere spectator of the battle. They paused in their attack; and their confusion was rapidly changed to a panic and a rout by the resolute advance of the Spanish army. Faint and weary as the victors were, their pursuit was bloody and unsparing. The inveteracy of their enemies had roused them to ferocity; and now, in the simple but significant language of one who shared in their sufferings and their revenge, 'their wounds no 'longer pained them, and they ceased to feel hunger and thirst.' The overthrow was complete; and on the succeeding day the Spaniards passed the frontier of Tlascala.

It was still an anxious doubt with Cortes, how far his allies might be disposed to take advantage of his forlorn condition. But he soon found that the single-hearted mountaineers were far superior to so inglorious a revenge. They had begun to regard the Spaniards with the affection which the brave man feels for the faithful comrade of his perils and victories, and they now welcomed them with the warmest compassion and admiration. Nothing was omitted which kindness could do to relieve the wants, to cheer the hearts, and to raise the hopes of the fugitives; and Cortes was solemnly assured by the Chiefs of the Republic, that they would be 'his sure and true friends, even to 'the death.' An Aztec embassy, sent to request the Tlascalans to make common cause with the nations of Anahuac against the invaders, was dismissed with a peremptory refusal; and when

Xicotencatl—who possessed the courage and constancy, but not the generous simplicity, of a Tlascalan warrior—ventured to support their demand, he was driven from the council-chamber by the insults of his indignant colleagues.

Cortes, undismayed by his late disasters, was now more confident than ever of the final conquest of Mexico. He saw that he had miscalculated the spirit and the resources of the nation—that they were not men to allow their capital to be seized by a handful of invaders, however formidable for military skill and prowess. But he also saw great prospect of his being able to meet them with equal forces and on equal terms. He found himself in secure possession of a place of refuge in the heart of Anahuac, from which the whole power of the Aztec Empire could not hope to expel him. He knew that many of the surrounding tribes were disaffected, and that few or none were sincerely devoted to their tyrannical masters. It would be easy, he thought, to sally forth from the mountains of Tlascala; gradually to extend his campaigns over the neighbouring country; and to add to his alliance, by force or by persuasion, the principal subject races of Anahuac. He might thus make his army the nucleus of a confederacy, whose forces would be sufficient to invade the valley of Mexico, besiege the capital, and crush for ever the Aztec dominion.

It took some time to cure the wounds and revive the spirits of the exhausted Spaniards; but still it was early in the autumn when the indefatigable Cortes left Tlascala with his whole army and a strong body of auxiliaries. He first marched against the Tepeacans—a powerful neighbouring tribe, who had been active in interrupting and massacring certain Spanish stragglers during the retreat from Mexico—and overthrew their forces in two pitched battles. The Tepeacans—probably sincerely desirous to side with the stronger party, and caring little which might prove so—readily offered their submission; and Cortes fixed his headquarters in their capital. He then besieged two towns on the Mexican frontier which were garrisoned by the Aztecs, stormed them both, and signally defeated an Aztec army which advanced to relieve them. The Cholulans eagerly offered him their alliance—several smaller districts were reduced by his lieutenants—and, in short, the whole country, from the *sierra* of Mexico eastward, was overrun by the Spanish arms. In the mean time, the army received a considerable force of recruits, with a supply of arms, artillery, and ammunition, from some ships which chanced to touch at Vera Cruz; and Cortes now thought himself strong enough to recommence his unparalleled enterprise. He passed some time at Tepeaca, using every means

to confirm and conciliate his new allies; and then returned in triumph to Tlascala, to prepare for a second invasion of the valley of Mexico. On the 28th of December, the conqueror took his final departure from Tlascala. His army consisted of 600 Spanish soldiers, with nine cannon, and about forty horses; and of a very large body of Indians, comprising the flower of the Tlascalan, Cholulan, and Tepeacan warriors. Thus provided, he traversed the *sierra*, descended unopposed into the valley, and, on New Year's-eve, fixed his headquarters in the royal city of Tezcuco, whose King and citizens deserted their dwelling at the approach of the invaders.

Cuitlahua, the brother and successor of Montezuma, had died suddenly during the operations in Tepeaca and the neighbouring provinces; and their nephew Guatemozin—a youth already eminent for courage, ability, and a deadly hatred of the Spaniards—was now Emperor of Mexico. After vainly attempting to move the resolute spirit of his new opponent by threats and promises, Cortes, about a week from his arrival in Tezcuco, commenced hostilities by marching upon the neighbouring city of Iztapalapan. He defeated the Aztec garrison, stormed the place, and destroyed a considerable part of it. But he was near paying a heavy price for his victory; for the retreating Indians broke up the dikes which protected the streets from the waters of the lake, and it was with considerable difficulty that the army extricated themselves from the flood. The General's next step was to send a detachment under Sandoval to occupy Chalco, a town upon the eastern shore of the lake of the same name, whose inhabitants had intimated their desire to shake off the Aztec yoke. The Spaniards were again victorious; they repulsed the Aztecs, gained possession of the town, and returned in safety to Tezcuco. In the mean time, Cortes himself was diligently employed in reconciling the feuds of his Indian allies, and in preparing for a reconnoitring expedition to Tacuba.

Early in the spring, accordingly, the army left Tezcuco, marched round the north-eastern side of the valley, and succeeded in storming an insular town named Xaltocan, which lay in the northern extremity of the lakes. They then turned to the southward, by the same route which so many of them had traversed in disorder and despair after the battle upon the causeway; reduced several towns of inferior consequence; and finally, after a severe battle and a complete victory, entered Tacuba. Here they remained for six days—in sight of the capital, and engaged in constant skirmishes with its defenders—and then returned to Tezcuco by the way they left it, administering upon

their march a bloody repulse to an Aztec detachment which endeavoured to harass their rear.

Another expedition to the relief of Chalco, commanded, as before, by the trusty Sandoval, was still more completely successful than the former. The brave Cavalier defeated the Aztecs in a pitched battle; stormed, with incredible toil and danger, two strongholds among the skirts of the southern *sierra*, which had been garrisoned to overawe the revolted city; and returned to Tezcuco with little loss. About the same time, a strong reinforcement, and a considerable supply of stores, arrived at the camp from Villa Riça, where three Spanish vessels had arrived, freighted with supplies for their adventurous countrymen.

Upon the 5th of April 1521, Cortes set forth upon a second reconnoitring expedition, in which he intended to make the circuit of the whole valley. He marched southward by Chalco, entered the neighbouring *sierra* by the same passes which Sandoval had penetrated in his last expedition, and, after repulsing several attempts at annoyance by the natives, and storming the strong city of Cuernavaca, emerged again from the mountains upon the south-western side of the valley. Xochimilco, a large city upon the western shore of the lake of Xochichalco, was the next object of his attack. He expelled the Aztec garrison, occupied the place, and defeated, after a desperate battle, a large force sent from Mexico to recover it. The Spaniards then proceeded without opposition to Cojohuacan, a town commanding the western branch of the great southern causeway of Mexico. They even advanced along the dike, and stormed the fort of Xoloc, but did not venture to assault the city. After this, they left Cojohuacan, reached Tacuba after a sharp skirmish with the enemy, and then, pursuing the same route as on their return from the former reconnoitring expedition, regained Tezcuco after an absence of three weeks.

We have hurried as rapidly as possible through these preliminary operations—the soarings and wheelings of the falcon before stooping on his prey—in order to come at once to the great closing struggle of the Aztec monarchy. But, uninteresting as in our hands they may appear, we think that no reader acquainted with Mr Prescott's work will be surprised at our reluctance to pass them over in entire silence. There is scarcely one of the marches and skirmishes thus briefly and dryly enumerated which does not recall to the memory some feat of heroism, some romantic trait of character, or some perilous vicissitude of fortune. We would gladly fill whole pages with Mr Prescott's spirited descriptions of the flood at Iztapalapan, the storming of the precipice at Jacapichtla, the fearful passage of the ravine at Cuer-

navaca, the exploits of Sandoval upon his chestnut steed Motilla, or the capture and rescue of Cortes at Xochimilco. Such, indeed, were the dangers confronted and the courage displayed by the Spaniards, that not even their continual success can diminish our anxious interest in their fate. We follow the little army through its adventures as landsmen watch a vessel in a tempest. Long as they have floated in safety, we constantly expect to see them overwhelmed by the next coming wave.

Cortes, on his return to Tezcuco, found every thing prepared for the siege of Mexico. He had a force of nine hundred Spanish soldiers, eighty-seven of whom were horsemen, and a hundred and eighteen musketeers; and he possessed eighteen pieces of cannon. He had, moreover, procured the construction of twelve brigantines, or small sailing craft, which had been built at Tlascala under the direction of a skilful architect named Lopez, taken to pieces, and transported across the mountains by a body of Indian *tamanes*—a thing, said Cortes—and he was no boaster—marvellous to see or hear of. These vessels were by this time completely put together and rigged, and they were launched, as soon as the General had inspected them, amid universal exultation. The largest among them was probably scarcely larger than a modern revenue-cutter, for we find that the crews necessary to work them averaged only a dozen hands each. But to the ignorant Indians the flotilla of *Malintzin* no doubt seemed composed of so many floating castles.

These preparations were, however, interrupted by a strange and dismal event. The Tlascalan prince Xicotencatl, whom the Spaniards had long found a surly and reluctant ally, could no longer endure to assist in an enterprise so likely to make the hated strangers supreme throughout Anahuac. He abruptly left Tezcuco, and scornfully rejected every command and solicitation to return. The moment was thought to require prompt and severe measures, and Cortes was not a man to lose his authority for want of them. The unfortunate Cacique was seized at Tlascala, sent under arrest to the camp, tried, condemned, and publicly executed as a traitor. His punishment was clearly according to the laws of war; but nothing except urgent necessity could justify the strict enforcement of those laws in the case of an untutored Indian. What particular circumstances induced Cortes to make so formidable an example, we are not informed; but, as he had no conceivable personal motive for the act, and as the Tlascalans appear to have acquiesced without a murmur in its justice, we may hope that the defection of the chief was a more dangerous crisis than at first sight it appears.

At length, on the 10th of May, two divisions—each consisting of two hundred Spaniards, and about two thousand five hundred Indian warriors, and commanded, the one by Alvarado, and the other by a distinguished Cavalier named Christoval de Olid—left Tezcuco for the environs of Mexico. The two Captains performed the circuit of the northern end of the lakes without opposition, and established themselves at their appointed posts before the capital—Alvarado in Tacuba, and Olid in Cojohuacan. Sandoval was then dispatched with a similar force to Iztapalapan, of which place he gained possession after some resistance;—thus making the Spaniards masters of three out of the four great avenues leading from the mainland into the city. Lastly, Cortes took command of the flotilla, in which were embarked three hundred men, one half of whom were to serve as mariners. He sailed across the lake, dispersed or destroyed with ease some hundreds of the Aztec canoes, and appeared in triumph off Mexico. He then anchored at the fort of Xoloc, landed part of his men, and easily dislodged the garrison. Sandoval was then ordered to march round the lake, and occupy the town of Tepejacac, which commanded the great northern causeway. And thus the blockade of the devoted capital, both by land and by water, was finally completed.

After some days employed in skirmishing, and in strengthening the positions of his army, Cortes commanded a general assault. He himself, with his own division and that of Olid, pushed forward from Xoloc; forced his way through all the defences into the town; stormed the great Temple of Huitzilopochli, and made good his retreat, though not without peril and difficulty, to his quarters. At the same time, Sandoval and Alvarado advanced along the causeways of Tacuba and Tepejacac, and engaged the Aztecs in the suburbs, but did not enter the gates of the city. Several attacks were afterwards made in the same manner, by which much damage was done to the capital; and the palaces of Axayacatl and Montezuma were burned to the ground. But these destructive incursions—though they clearly proved that no part of the city was secure from immediate storm—did not seem to shake the constancy of the besieged; and Cortes, against his better judgment, was induced, by the impatience of his followers, to make another grand attempt at carrying the city by assault.

Early upon the appointed morning, the main body of the army advanced in three divisions from Xoloc; while Alvarado and Sandoval, uniting their forces at Tacuba, marched along the western causeway to its support. They all penetrated the city with less resistance than before—with so little, indeed, that

their sagacious leader soon suspected a stratagem. His anxiety was increased by the alarming discovery, that the Cavaliers who commanded his vanguard had neglected, in the eagerness of pursuit, to fill up a large ditch or canal which intersected the street; and that, consequently, their retreat, if hard pressed by the enemy, would be exceedingly difficult. But while Cortes and his followers were zealously labouring to supply this fatal omission, the horn of Guatemozin—a signal already dreaded by the bravest Spaniards—was heard to sound from the summit of a neighbouring temple. In a few minutes, the tumult of battle was heard rolling fearfully back through the deserted streets; and the van of the Spanish army, overwhelmed by an innumerable force of Aztecs, appeared in full and disorderly retreat. Cortes, though he had still time to retire unmolested, was, as usual, faithful to his distressed comrades. He charged the enemy without hesitation, and fought desperately to cover the passage of the fugitives through the canal. But all his exertions could not prevent great confusion and considerable loss. He was himself in the most imminent personal danger; he received several wounds; and he would have been actually carried off prisoner by the Aztecs, but for the devoted exertions of his men, several of whom, both Spaniards and Tlascalans, perished in his defence. At length, however, the passage was completed; order was restored; and the army—its rear still protected by the indefatigable General at the head of his cavalry—retreated steadily to Xoloc. Alvarado and Sandoval, who had entered the city with more caution, were likewise desperately attacked by the Aztecs, and had considerable difficulty in effecting their retreat. The whole loss of the Spaniards must have amounted to nearly a hundred men, of whom sixty-two were taken alive by the enemy.

The consequences of this repulse were, for a time, most alarming. The defenders of the city were filled with enthusiasm; and their Priests openly announced the solemn promise of the Gods of Anahuac, that, within eight days more, the sacrilegious invaders should be utterly destroyed. This prediction, combined with the failure of the late assault, had so great an effect upon the Indian auxiliaries, that they all—except a few of the most distinguished Tlascalan chieftains—deserted the Spanish camp—some withdrawing to a short distance, and others setting off for their respective homes. The Spaniards themselves were overwhelmed with grief and despair at the sight of the human sacrifices which took place upon the summits of the Mexican temples; where, for several successive days, most of the unfortunate prisoners were massacred in cold blood by their captors. But Cortes did not allow himself to be disheartened. He knew that

his own men, with their flotilla, their cannon, and their strong intrenchments upon the causeways, were well able to maintain the blockade; and, shutting himself up in his quarters, he waited patiently until the last faint gleam of Aztec prosperity disappeared. The eight fatal days passed by; and still the besiegers commanded the lake with their ships, and maintained their posts at Xoloc, Tacuba, and Tepejacac. The Aztecs, less patient than certain political dupes of our own day, lost all confidence when convinced of the palpable falsehood of their oracles. The auxiliaries—ashamed of their irresolution, and alarmed for its consequences—returned in great numbers to their posts, and were graciously welcomed by the politic Cortes. And thus, within a fortnight after the defeat in the city, the confidence of the besiegers was completely restored, and the deliverance of the besieged seemed as remote as ever.

The system of attack next adopted by Cortes, was one which nothing but the sternest necessity could justify. The city was every where open to assault; but it was clear that his soldiers could not penetrate the streets without imminent danger of being overpowered by the defenders. His only resource was therefore to destroy, as he advanced, every building which could be made a post for defence; and this terrible resolution he at length, not without bitter reluctance, resolved to carry into execution. Shortly after the return of the allies to the camp, the whole besieging army advanced from Xoloc and Tacuba, and established themselves in the suburbs of the capital. A large body of Indian pioneers then proceeded—Cortes setting them the example with his own hands—to level the streets and houses with the ground, and to fill up the canals with the rubbish. In the mean time the Spaniards, with the choicest Indian warriors, occupied the best positions for the protection of the workmen, who were, of course, greatly exposed to attack. The sallies of the despairing Aztecs, though frequent and formidable, were constantly repulsed; but they inflicted considerable loss upon the imperfectly armed allies by a constant discharge of stones and arrows. Still the Indians —all, by inheritance, either the deadly enemies or the oppressed slaves of the Aztec race—persevered in their task of revenge with unabated zeal and firmness. The very stones of Tenochtitlan were to them objects of abhorrence, and they had no sympathy for the natural regret felt by the Spaniards at the destruction of so splendid a trophy. In this manner, day after day, and week after week, the besiegers continued to work their way through the perishing city, until the summer was far advanced. The palace of Guatemozin himself was destroyed; the principal Temple was stormed and burned to the ground by Alvarado; and at length the Spaniards established themselves in the great

square or market-place of Tlatclolco, which had witnessed the overthrow of their vanguard on the day of the general assault. Seven-eighths of the whole magnificent capital were a black and desolate waste; and the surviving citizens were now crowded in the narrow and ruinous streets which had formed its north-eastern quarter.

In the mean time, famine and pestilence had fearfully aided the Spanish sword in thinning the ranks of the besieged. We cannot follow Mr Prescott through his eloquent but painful description of their miserable sufferings. It is enough that the sight filled the Spaniards, stern and not unjustly exasperated as they were, with horror and compassion. Terms of peace and security, far more favourable than a civilized Commander would have ventured to expect, were earnestly and repeatedly offered to Guatemozin. But the Aztec Emperor was obdurate; and his followers, if unequal to their enemy in the shock of battle, possessed all the invincible passive heroism which distinguishes the aboriginal warrior of America. Exhausted as they were by toil and suffering, they continued to defy and harass the besiegers; and constantly boasted of the ample revenge which they would inflict, when their probation should at length be complete, and the outraged Gods of Anahuac should descend to exterminate their impious enemies and their apostate worshippers. It is impossible to read the description of their patriotic infatuation, without calling to mind that strange conjecture of certain Ethnologists, which ascribes to the North American tribes a Hebrew origin. No two passages of history were ever more precisely similar, in all their moral characteristics, than the siege of Jerusalem by Titus, and that of Mexico by Cortes.

The last scene of the war was now at hand. The surviving Aztecs had been at length brought to bay within limits so narrow, that the besiegers could venture to carry them by storm; and on the 14th of August, Cortes, after long delay and repeated efforts to procure a surrender, unwillingly gave orders for a general assault. The Spaniards—long ago sated with revenge, and filled with disgust at the necessity of butchering men helpless from disease and privation—constantly offered quarter, and saved many lives. But the allies—true to the character of merciless inveteracy which distinguishes their race—were deaf to the commands of Cortes, and spared not a single Aztec who fell into their power. The battle, or rather the massacre, lasted nearly two days, and would probably have been maintained until the besieged had perished to a man, had not an unexpected accident brought it to a sudden conclusion. Among the crew of a Mexican canoe, which was captured by a Spanish brigantine while attempting to reach the shore, was a youthful warrior, whom

the captors immediately recognised as Guatemozin himself. The fatal news became generally known to both parties upon the second evening of the assault; and when the besiegers drew off their forces, it was clear that all resistance was at an end.

Upon the morning of the 16th of August 1521, the Aztecs signified their submission. Cortes withdrew his forces from the dreary and pestilential ruins to Cojohuacan; and the remnant of the Aztecs were allowed to retire to their neighbouring towns, by the northern and western causeways. They were not more than thirty or forty thousand in number; at least one hundred and twenty thousand souls having, by the most moderate computation, perished in the siege. In three days the last of the forlorn exiles had disappeared; and all that remained of the imperial Tenochtitlan was a bare and desert island, encumbered with ruins, strewed with carcasses, and scathed by fire. Such was the final extinction of Mexican grandeur and independence.

Here we must reluctantly conclude our brief and imperfect analysis of Mr Prescott's delightful narrative. Neither the subsequent history of the conqueror himself, nor that of the beautiful country which he subdued, are pleasing subjects of contemplation. Cortes, indeed, lived and died in possession of the wealth and honours which he had so dearly earned. But his noble projects of new discovery were frustrated by the indolence or the jealousy of the Spanish government; and his life was embittered by the insults and chicanery of his enemies, and by the ungrateful neglect of the court. New Spain shared the fate of Naples, of Flanders, of Spain itself—of every country, in short, which underwent the withering influence of the despotism established by Charles V. The Indian tribes degenerated into a drove of heartless slaves, and the colonists into a dynasty of effeminate tyrants, incapable of defending their rich possessions against a few boats' crews of English bucaniers.

The conquest of Mexico has been most unjustly confounded, in the memory of most readers of history, with those of the West Indian and South American provinces—conquests achieved over a timid, harmless, and contented race, and sullied by unprovoked and atrocious cruelties. The conqueror himself is generally regarded as a heroic robber; just so far superior to Pizarro, as ambition is superior to avarice, and unscrupulous sternness to wanton thirst of blood. Nor have any voices joined in this thoughtless cry more eagerly, than those of the degenerate race who now enjoy the fruit of his victories; and to whose tyranny, avarice, or supine indifference, the evils which they impute to him are really owing.

In the first place, we shall not hesitate to say, that the

liberation of Anahuac from the Aztec yoke was a justifiable enterprise. We hold that, among nations as among individuals, it is a good and honourable action to protect the weak against the oppression of the strong, in all cases where the probable benefits of the attempt appear materially greater than its probable evils. Thus, a declaration of war by France against England to procure the dissolution of the Irish union, or by England against Russia to procure the independence of Poland, would be in the highest degree blamable and absurd: because success would in both cases be very improbable, and could in neither be any compensation for the necessary miseries of such a contest. But no one, we apprehend, would maintain that a European Admiral had acted improperly, in forcibly preventing one tribe of South Sea Islanders from massacring another; because here the good effected would be certain and important, and the suffering inflicted comparatively trifling. If this principle be acknowledged, it cannot surely be denied that there has never been a system of oppression more inhuman, or more urgently requiring the interposition of all civilized nations, than that practised by the Mexican Emperors. If we have any fault to find with the conduct of Cortes in undertaking its destruction, it is merely that he suffered his ardour to hurry him into the enterprise with such apparently insufficient means. The obstinacy with which the Aztecs prolonged the war, and by which they inflicted so much loss upon their enemies, and such dreadful miseries upon themselves, must in part be ascribed to the effects of this precipitate rashness. Had a powerful Spanish armament appeared upon their coast, they would, in all probability, have consented to resign their supremacy over the tribes of Anahuac as soon as they found the impossibility of preserving it. It was the apparent certainty of final victory over so small a force as that of Cortes, which tempted them to continue their struggles until long suffering had inflamed their resentment to vindictive desperation, and their courage to reckless impatience of life.

We are far from maintaining, that the sole or the principal motive of Cortes was humane anxiety for the deliverance of the Indian tribes. That would be claiming for him a degree of disinterested virtue which it would scarcely be safe to ascribe even to a Washington. We contend that he acted like a man, not of romantic generosity, but of probity. He found the nations of Anahuac suffering under a most cruel tyranny, and he offered to free them at the risk of his life, upon condition that they would become the vassals of his own sovereign. It may be true that he would not have undertaken their protection, had he not hoped to win the crown of Mexico for Charles V., and the fame and rewards of a hero for himself; but we have

no right to say, and no reason to think, that he would have suffered his own interests to lead him into unjust aggression. To pursue purely noble ends by purely noble means, is the praise of those rare philanthropists whose enthusiastic love of mankind has raised them above the weakness of humanity. To pursue justifiable ends by noble means, is the praise of a great and good man. And he deserves that character of whom we can say—as we say of Cortes—that he achieved a marvellous exploit, and conferred a great benefit upon his fellow-creatures, partly from generous love of justice—partly from sincere and devout, though misguided, religious zeal—and partly from selfish, but neither sordid nor unscrupulous, ambition.

It is no answer to this to say, that the good done by Cortes was, in the end, more than counterbalanced by its evil consequences; and to draw a declamatory contrast between the supposed prosperity of the Indian tribes at the discovery of New Spain, and their degradation since the conquest. We must remember that the despotism of the Aztec was cut short in its infancy, while that of the Spaniard has grown to complete maturity. The destruction of Mexico took place only two centuries after the very first appearance of the Aztecs upon the plateau of Anahuac; and most of the provinces subject to their dominion had been subdued within the memory of man. No degree of misgovernment could be expected to destroy all the signs of prosperity in so short a time. But we know that the oppressions of Montezuma had already excited the bitterest discontent among his subjects; and we may safely assume that, but for their opportune deliverance, they would have undergone the most crushing miseries of tyranny in as short a time as human skill could possibly have produced them. Even if we admit the Spanish conquest to have been a great evil, it would be the height of injustice to make Cortes responsible for its worst consequences. He could not prevent the degeneracy of his countrymen. He could not tell that, while the gallant soldiers of Charles V. were fighting for his honour abroad, their sovereign was destroying their rights at home by the miserable war of the *comunidades.* He could not foresee that the grandsons of the high-minded Cavaliers who fought before Granada, would be sordid courtiers, slaves to the Inquisition, and patrons of the *auto-da-fé.* But it is a fact, that he took every precaution in his power to guard the natives of New Spain against the oppression of the colonists; and, though his successors were far from imitating his enlightened policy, he has at least the merit of having preserved the tribes of Anahuac from the utter extermination which Spanish cruelty had inflicted upon those of the neighbouring archipelago.

Mr Prescott, though generally warm and eloquent in the commendation of his hero, is ready to allow that there are passages in his history which his most zealous admirers would find it impossible to defend. We shall not dissent positively from his authority. But we must in justice add, that with the single exception of the death of Guatemozin, we are unable to recall any important act of his public life which we think would deserve strong reprehension—we will not say in a Spanish adventurer three hundred years ago—but in a British officer at the present day. We have already stated our opinion, that the massacre of Cholula, and the seizure of Montezuma, were justifiable acts of severity—as being well deserved by those upon whom they were inflicted, and absolutely necessary for the safety of those who inflicted them. The miserable ruin of the great city of Mexico, together with the inflexible heroism and dreadful sufferings of its defenders, have afforded a fruitful theme for accusations of cruelty against Cortes. No doubt these terrible disasters would have fearfully aggravated the guilt of an unjust invader. Nor do we refuse our admiration —nay, our warmest and most compassionate sympathy—to the patriotic self-devotion of the unhappy Aztecs. They were ignorant savages; and may be excused for thinking, as wiser tyrants have often thought, that their fellow-creatures were created to be tormented at their pleasure. We are willing to respect them as intrepid martyrs, though not as martyrs in a good cause. But if these men were, in point of fact, robbers and murderers, fighting in defence of their title to rob and murder—if the rights for which they laid down their lives consisted in the privilege of fattening on the spoils, and decimating the youth, of the surrounding tribes—surely it would be as unjust to make Cortes answerable for their sufferings, as to blame the commander of a lawful cruiser for the death of a pirate who sinks with his colours flying. It is possible that we may have overlooked the precise transactions which have chiefly induced Mr Prescott to censure the conqueror of Mexico; but there can be no doubt, that in the morality and humanity of his ordinary conduct as a soldier, Cortes was little behind the present age, and greatly before his own. In good faith, in forbearance, and in enlightened policy, he was far superior to his contemporaries—far superior to our own countrymen who colonised New England a hundred and fifty years after him. He repressed license and rapacity with just and exemplary vigour—he did all in his power to prevent unnecessary slaughter in the field—he persevered to the last in pressing his offers of life and liberty upon enemies, who constantly murdered every Spaniard on whom they could lay hands. It is true that we have only his own authority, or that of his

companions, for these facts. But what Spanish Captain of the sixteenth century, who did not really possess such feelings of humanity, would have thought it worth his while to affect them?

Respecting the high intellectual qualities of Cortes, there can scarcely be any great difference of opinion; though we certainly are inclined to think that common estimation has scarcely done him full justice. To us he appears to have possessed, in an eminent degree, many of the greatest qualities of a great Captain. In the scientific combinations of modern strategy, he may have possessed no great skill. But he knew how to form a handful of adventurers into an army, and an army into a state. He knew how to cement confederacies, and how to reconcile the bitterest and most threatening enmities. Above all, he possessed, and in a remarkable degree—that singular faculty of fascinating the imagination, and guiding the resolves, of common men, which is perhaps the surest test of extraordinary natural powers; and which so strongly marks the distinction between the man intended for command by nature, and the man fitted for it by education. Unlike most of the celebrated leaders who have flourished since war became a science, he possessed all the dazzling personal qualities which are necessary to the vulgar idea of a great soldier. Without them, it is probable that all his powers of mind would have failed to achieve the conquest of Mexico. His wild followers would have felt little respect for a chief, however brave and invincible, who travelled in a coach-and-four on the march, shut himself up in his tent with charts and diagrams at the halt, and gave orders through his aides-de-camp on the day of battle. Such men could not appreciate the profound policy which discerned at a glance the weak points of the Aztec Empire. But their rude imaginations were filled with enthusiasm for the best Lance and the boldest and handsomest Champion of the army; and their hearts glowed with ardent affection to the leader who was ever ready to risk his own life to save that of a companion in arms,—to the kind and cheerful comrade, whose affability and cordiality enlivened alike the march and the bivouac. All those who had fought under his command continued to the last his devoted admirers; and regarded with bitter contempt the efforts of his enemies to depreciate his reputation and to vilify his character. 'It was perhaps intended'—such was the devout conclusion of one of the bravest and most single-hearted of his followers—'that he 'should receive his recompense in a better world; for he was a 'good Cavalier, most true in his devotions to the Virgin, to the 'Apostle St Peter, and to all the other Saints.' *

* Prescott, iii. 323.

ART. VI.—1. *A Plea for the Liberties of the Scottish Universities.* By JOHN STUART BLACKIE, Professor of Humanity in Marischal College, Aberdeen. 1843.

2. *Resolutions agreed to by the Senatus of the University of Glasgow, of University and King's College, and of Marischal College, Aberdeen, in favour of the Abolition of Religious Tests in the Universities of Scotland.* 1844.

ON the recent disruption of the Scottish Establishment, a number, both of the Teachers in the Parochial Schools and of the Professors and Office-bearers in the Universities, seceded from the communion of the Established Church. The former have already been summarily expelled from their offices, and a vigorous effort is now making by the Church Courts to subject the latter to similar treatment. Among others who seceded is Sir David Brewster, Principal of the United College, St Andrews. This distinguished philosopher having come to the conclusion that the Bill of Lord Aberdeen, and the Decisions of the Courts of Law, have essentially changed the constitution of the Established Church, considered himself bound to abandon its communion. For entertaining this opinion, and acting upon it, he has been considered unworthy of holding the office of Principal of the United College—his colleagues have memorialized the government to remove him—and the Presbytery of St Andrews have taken measures with a view to his expulsion. In justification of this attempt, it is pleaded that the law requires every Office-bearer and Teacher in the Universities and Colleges of Scotland to conform to the Established Church; and that a due regard for the welfare both of Religion and of the Establishment imperatively demands that it should be strictly enforced. As the subject is one of very great importance to all classes of the community, we propose examining at some length how far the maintenance of the existing religious tests in our Universities and Colleges is calculated to promote the interests either of education or religion; but, owing to the aspect which the question has assumed in this country, it will be necessary, at the same time, to enquire into the nature of the connexion which exists between the Courts of the Established Church and the Academical Institutions of the country.

To enter into a detailed examination of the nature and extent of the power which the Church Judicatories exercised over the Universities previous to the Revolution, would be alike tedious and superfluous. The most strenuous advocate of clerical supre-

macy would scarcely, we apprehend, attempt to support the claims of the Church by a reference to the unsettled period of the Protectorate; or to ground its powers on statutes which, whatever may be their import, have been long ago repealed. When Presbyterianism was established at the Revolution, its adherents manifested a natural anxiety to improve their victory, and to secure themselves against the future assaults of their fallen adversaries. And as care had been taken during the brief reign of Episcopacy, that all the office-bearers in the Universities and Schools should 'submit to and own the government of the Church by archbishops 'and bishops;'* so now it was determined, as a security against the danger which was apprehended from the adherents of Prelacy, that they should, in their turn, be rigidly excluded from the seminaries of education; and none but sound Whigs and Presbyterians allowed to hold office in these institutions. Accordingly, in 1690, an Act was passed declaring, that no persons should 'be 'either admitted or allowed to continue in the exercise' of any office in the Universities or Schools, 'but such as do acknowledge 'and profess, and shall subscribe to the Confession of Faith, and 'also swear and subscribe the oath of allegiance.' But this statute conferred no powers on the Church, nor were the Clergy recognised in any way as the parties who were empowered to carry it into execution. On the contrary, the Act explicitly asserts it to be 'their Majesties' undoubted right and preroga-'tive to name visiters for the Universities and Schools;' and appoints a Commission for the express purpose of removing from these institutions all the teachers and office-bearers who were disaffected to the constitution in Church or State—in other words, all who were Episcopalians and Jacobites. The nomination of this Commission, consisting for the most part of laymen, as well as the silence of the Legislature respecting any powers of superintendence or control possessed by the Church, show clearly that no such powers were recognised by it as then existing. This is further confirmed by an Act passed three years later, while the Commission was still in operation,—subjecting 'all 'schoolmasters, and teachers of youth in schools,' to the jurisdiction of the Presbytery, while no mention whatever is made of Universities and Colleges. The power of superintendence over schools, as well as academical institutions, had always been the undoubted prerogative of the Crown; but by the statute referred to, the control of these inferior seminaries was delegated to the Presbyteries; while the silence of the Legislature respecting Universities, renders

* Scots Acts. Folio edit. Vol. viii. p. 379.

it evident that the superintendence of these institutions was reserved for Parliament and the Sovereign. In corroboration of this view we may mention the fact, that only three days later another Act was passed for the regulation of the Commission, showing, by implication, both the continued recognition of the rights referred to in the Crown, and the limited nature of the powers conferred upon the Church Courts.

The Act of 1690 rendered subscription to the Confession of Faith imperative on all teachers and office-bearers in the Universities; but made no provision respecting the mode in which, or the persons by whom, it was to be received. This was provided for by the famous Statute of 1707,—the latest Act of the Legislature on this subject, which declared that subscription was to be given before 'the respective Presbyteries of the bounds.' The Act of 1707 seems to have been at no time rigidly enforced. At all events, it very soon became at least partially obsolete. It may be doubted whether subscription was ever required from some of the most influential office-bearers in the Universities. This much at least is certain, that the office of Chancellor was at a very early period held by distinguished individuals connected with the Episcopal Church—the members of which, more than those of any other communion, are excluded both by the letter and spirit of the law.* The religious test has thus in many instances been either tacitly dispensed with, or very materially modified. During the period that has elapsed since the Union, a very considerable number of Professors have been admitted into the Universities, by whom no declaration of conformity to the Established Church was given, and from whom it was never asked; and not a few whose well-known opinions would have rendered such a declaration an utter mockery. The law has never been strictly observed in any University, and has never, since its enactment in 1707, been put in force against a single individual. In the University of Edinburgh the statute has been in desuetude for nearly a century; and no small number of the most illustrious men who have adorned its annals during that period, must have been excluded had these tests been enforced. In the Univerities of Glasgow and Aberdeen, though

* In 1724, only seventeen years after the passing of the Act of Security, the Duke of Chandos, an Episcopalian, was unanimously elected Chancellor of the University of St Andrews; and at his Grace's death in 1744, the Duke of Cumberland, also an Episcopalian, was appointed to the vacant office; so little was the regard paid even in these times either to the Act of Security, or to the recommendations of the General Assembly.

subscription is at present required from Professors, this has not been the uniform practice. In both institutions, members of the Episcopal Church have frequently held the offices of Chancellor and Rector, without being called upon to subscribe the Confession of Faith; and in the former they have long been admitted even to Professorships, on adhibiting their names to that document.* In the University of St Andrews subscription is required from the Professors, but not from the Chancellors, though the law is equally applicable to both.

> 'Thus these decrees
> Dead to infliction, to themselves are dead;'

and in this condition they would in all probability have been allowed to remain, had they not seemed fitted to furnish the supporters of the Established Church with a weapon which they might employ with effect against the recently enlarged body of Dissenters.

This revival of the antiquated claims of the Church to exercise authority over the seats of learning, is attempted to be borne out by an appeal to the Statutes of 1690 and 1707, and to certain Acts passed by the General Assembly in 1711 and in 1719; in which that venerable body claim a general power of superintendence over the Universities; and enjoin the subordinate Church Courts to take especial notice of what is taught in these institutions, and to observe the morals and conversation both of masters and scholars. With regard to these Acts of Assembly, it is sufficient to say that they are not sanctioned by the Legislature; they are embodied in no existing Statute; and are therefore unwarranted claims to the possession of powers which the Church never exercised at any period of her history—except perhaps during the brief and stormy times of the Commonwealth. With the exception of one or two unsuccessful efforts, the Church Courts have never attempted to interfere with the Universities since the Revolution. Even though these claims, therefore, were as well-founded as they are

* Three of her Majesty's ministers, Sir Robert Peel, Lord Stanley, and Sir James Graham, have within these few years held the office of rector in the University of Glasgow, though all three are Episcopalians. This is the case also with a number of the most eminent both of the late and present professors. In the University of Edinburgh there are about a dozen Nonconformists. Altogether, in the various Universities, there are at the present moment upwards of twenty office-bearers who do not conform to the Established Church.

the reverse, they have long ago become obsolete. Dating even from the Act of Assembly of 1719, they have not been exercised during a period of one hundred and twenty-five years, and must consequently be regarded as having been long in desuetude. This principle is explicitly recognised in the Report of the University Commission of 1830, where, speaking of the right claimed by the ministers of Edinburgh to 'advise' the patrons of that University in the election of Professors, it is said, that 'with one exception not favourable to the renewed claim, this 'clause in the charter of the University has been wholly inope- 'rative, and, according to the *established principles of Scotch law*, 'must now be regarded as no longer effectual.*

The claim of the Church, then, to these powers and privileges must stand or fall by the Acts 1690 and of 1707. The latter, which as to this point is little more than a recapitulation of the former, for the purpose of being embodied in the Treaty of Union, enacts, 'That in all time coming, no professors, prin- 'cipals, regents, masters, or others bearing office in any Univer- 'sity, College, or School within this kingdom, be capable or be 'admitted or allowed to continue in the exercise of their said 'functions, but such as shall own and acknowledge the civil 'government in manner prescribed, or to be prescribed, by the 'Acts of Parliament; as also that, before or at their admissions, 'they do and shall acknowledge and profess, and shall subscribe 'to the foresaid Confession of Faith as the confession of their 'faith; and that they will practise and conform themselves to 'the worship presently in use in the Church, and submit them- 'selves to the government and discipline thereof; and never 'endeavour, directly or indirectly, the prejudice or subversion 'of the same, and that before the respective Presbyteries of their 'bounds.'

There are two questions which the consideration of this Act presents. What powers does it confer on the Church? And what obligations does it lay on Professors? In answer to the first we remark—what the most cursory view of the statute is sufficient to show—that it merely constitutes the members of Presbytery the statutory functionaries authorized to administer the legal test. It gives them no power of superintendence or control over the Universities. It recognizes in them no right of examination or trial of the Professors, either before or after admission, and no power to depose or to sue for deposition. The only duty which it commits to their charge, is to see the genuine copy of the Confes-

* Report relative to the University of Edinburgh, p. 7.

sion of Faith subscribed without alteration. Their office is in every respect analagous to that of the magistrate, to whom the administration of the other part of the test, the taking the oath of allegiance, is committed. Their powers emanate from the same source, and are subject to the same limitation. In both cases the duty of the statutory officers is purely ministerial. It is strictly limited to the administration of the test which the law enjoins, and ends the moment that act is performed.*

The question as to the powers of the Church under the Act of Security, has been twice tried before the Supreme Tribunals of Scotland, and in both cases with the same result. The first of these trials occurred in 1756, when the Rev. William Brown was appointed by the Crown to the office of Professor of Divinity and Ecclesiastical History in the new College of St Andrew's. This appointment was resisted both by the University and the Presbytery, on the ground that Mr Brown was charged with gross immorality; and they resolved to delay his induction to office till the charges brought against him should be fully investigated. Mr Brown appealed to the Supreme Court for the vindication of his rights, and the judges decided that the conduct of his opponents was 'unwarrantable and illegal,' ordered the members of the University to admit him to his office, and 'loaded them personally 'with the expense of the process.' The Presbytery, in a petition which they presented on the subject to the General Assembly, state that Mr Brown's Counsel, (his Majesty's solicitor, Mr Pringle, afterwards Lord Alemoor,) 'a man known to be eminent 'in his profession, not only asserts that the Presbytery have no 'power to deliberate concerning the character of a minister who, 'as a professor of divinity, is to be a member of Presbytery; 'but that *their power is only ministerial,* and that on no account 'they are to refuse him to sign the Confession of Faith and formula, nor can they on any account impede his admission; but 'that the judges, by ordaining a man in Mr Brown's circumstances 'to be forthwith admitted, and finding the deed of the University 'delaying his admission until his character should be cleared, 'illegal and unwarrantable, and loading them with the expense 'of process, seem to be of the same mind with the solicitor.' † Now, since the Court decided that the powers of the Presbytery

* See the Faculty Report of the Case, Blackie *v.* Marischal Coll., Aberdeen.

† Representation and Petition of the Presbytery of St Andrews to the General Assembly, 1757.

were limited to the mere administration of the legal test, even in the admission to office of a theological professor, who is *ex officio* a member of Presbytery, much more must this be the case in the admission of a lay professor.

This question was again raised in 1839, when the Presbytery of Aberdeen, and the Senatus of Marischal College made an unsuccessful attempt to exclude Professor Blackie from the Chair of Humanity; on the ground that he had accompanied his subscription to the Confession of Faith with a public declaration, that he did not subscribe this document 'as his private confession of faith, but in his public professional capacity, and in reference to University offices and duties merely; and that in law a non-theological professor is not subject to the spiritual jurisdiction of the Church. He signs the articles as articles of peace only.' The Judge before whom the case was debated, enters largely, in a Note annexed to his Judgment, into the question respecting the alleged authority possessed by the Church Courts over the Universities. 'In the argument of the Presbytery,' says his Lordship, 'a pretension is urged by them, that they have some right of control and superintendence at common law over the conduct and religious opinions of all professors in our Universities, as teachers of youth in these schools. But the Lord Ordinary conceives that claim to be quite untenable. The jurisdiction of Presbyteries over the parochial schools is defined both by statute and by adjudged cases, and requires no confirmation; but this has never been extended to other teachers of youth, and still less to our Universities. The Church necessarily has ample control over the theological professors, who must be members of one or other of the ecclesiastical bodies before they can fill any of the chairs of theology. But it is a different question whether the Church have any control over the literary and scientific professors in the Colleges of Scotland. The Lord Ordinary has found no authority for any such jurisdiction, either in the statute or in the principles of our common law; and he should think it alike disadvantageous to science and to religion, to give its ministers any right of control either in the admission of lay professors, or over the general course of instruction in our Universities.'

So much for the pretended powers of the Church Courts in the admission of lay professors. The same learned Judge gives an equally explicit decision against their claims to exercise authority over teachers and office-bearers in the Universities, after their admission to office—even in those cases where the law may appear to be violated. 'Indeed,' says he, 'even if a case, very different in its

'aspect had arisen, much doubt might have been felt as to the 'right of a Presbytery to take any cognisance of the statements 'and conduct of a Professor after subscription. Suppose that a 'lay Professor, after signing the Confession of Faith, had, in a 'few weeks or days after subscription, openly joined in the com- 'munion of the Episcopal Church, on the avowal that he did not 'mean thereby to prejudice or subvert the Presbyterian form of 'worship, or to question the fundamental articles of the Confes- 'sion of Faith, the Presbytery of the bounds would find it very 'difficult to institute any complaint or action before this Court, 'to recal or cancel the certificate of subscription, or to subject 'the Professor to any penalty or forfeiture for alleged insince- 'rity or falsehood in his subscription. The answer would be 'insurmountable, that, let the right of complaint (if any be com- 'petent) lie where it may, it has not been conferred on the Pres- 'bytery of the bounds.' It is worthy of especial notice, that (as is stated by his Lordship) 'there is a remarkable difference 'between the penalty enacted by Parliament for the omission of 'the oaths of allegiance, from that provided in cases of the non- 'subscription of the Confession of Faith.' In the former case it is especially declared, that 'if any person shall refuse or neglect 'to take the oaths to Government, he shall be, *ipso facto*, incap- 'able and disabled, in all cases, and to all intents and purposes, 'to enjoy the said offices and advantages thence arising, &c., and 'every office is, *ipso facto*, adjudged void. But the neglect to 'subscribe the Confession of Faith is attended with no such pen- 'alty;* and therefore, when any College in Scotland agrees to 'waive the act of Queen Anne relative to subscription, it has 'never yet been ascertained by what authority it is to be enforced. 'It is believed that, in the University of Edinburgh itself, sub- 'scription by the lay Professors has not been insisted on for many 'years. If any evil were felt from this, or from any other omis- 'sion of statutory regulation, the remedy does not lie with the 'Presbyteries of the bounds, to whom no power of review or con- 'trol over the Universities is given. But the extensive power 'competent to the Sovereign, of appointing visitations of Scottish 'Universities, was probably thought sufficient for the exposure 'and correction of every practical abuse.'

* In 1711, only three years after the Act of Security had passed, on the occasion of a contested election of a Professor in King's College, Aberdeen, the vote of Dr Bower was objected to because he had not signed the Confession of Faith; but the objection was repelled by the Court of Session, who decided that the omission did not disqualify him from exercising the rights and privileges of his office.

Such is the law on this subject, as laid down by the eminent Judge above referred to. *The Presbytery of Aberdeen acquiesced* in his Lordship's decision, and Mr Blackie was admitted to his office without further opposition.

Let us now consider to what extent and effect the parties subscribing the Confession of Faith are bound by their subscription, and what the law holds it to import.* The law must have been intended to secure conformity either to the Established Church for the time being, whatever form its government and creed might take; or to the doctrine, discipline, and government of the Church as it existed in 1707, when the Act of Security was passed. A moment's consideration will suffice to show, that the former alternative could not have been the intention of the statute. The grand object of the framers of the law, was to secure the Protestestant religion and the Presbyterian form of church government; and with this view they took every precaution to prevent the offices in the educational institutions of the country from being held by those who were disaffected either to the Government or to the Church. This will readily be admitted by all. But surely it will not be contended, that a statute framed with this view was designed to secure adherence to the Established Church, even though it should be essentially changed both in doctrine and in government,—rejecting the truths for which the authors of the Revolution settlement had struggled and suffered, and embodying the very errors against which they had lifted up their testimony. The Sovereign might be constituted the head of the Scottish, as really and avowedly as of the English Church. The people might be deprived of every privilege with which they were at that period invested; nay, even Episcopacy itself might again become the established religion of the country; and yet, on the supposition made, the subscribers to the Confession of Faith must be by law bound to adhere to the Establishment, in spite of all these vital changes in doctrine and discipline! We scarcely think that even the most inveterate abettor of the supremacy of the Church, will venture to defend a conclusion so preposterous. It is evident, then, that the Act of 1707 must have been intended to secure adherence to the Church as *then*† established;

* We have taken no notice of the formula attached to the Confession of Faith by the General Assembly in 1694, because it has been decided that 'it is not specially authorized by the statute of 1707, and in 'some points goes beyond it.'

† This is corroborated by the striking difference which the Act makes between the manner in which the civil government is acknowledged, and

and that those who 'practise and conform to the doctrine, dis-'cipline, and government,' as settled at the Revolution, comply with every condition, and possess every qualification which the framers of the statute intended to secure. Is this the case, then, with the nonconforming Presbyterian Professors? We unhesitatingly reply in the affirmative, and presume that few, or none, will call in question the accuracy of our statement. It is true they do not adhere to the Established Church as now constituted, but they still 'acknowledge, and profess, and subscribe the Con-'fession of Faith, as the confession of their faith;' and 'practise 'and conform' to the Presbyterian mode of worship. They agree, in short, with the framers of the Act of Security, in every one of those points, both of doctrine and of discipline, for which they most strenuously contended. It would certainly be very strange, then, were these Presbyterian Professors to be ejected from their offices by the operation of a law, framed for the express purpose of preserving unalterable that very ecclesiastical constitution to which they adhere.

We have hitherto argued the question on the supposition that the law requires, on the part of lay Professors, an assent to the doctrines of the Confession of Faith, precisely similar to that required from ministers of the Church; who, as public expounders of Christian doctrine, are to be understood, by their subscription to the Confession of Faith, as declaring that they have thoroughly studied the whole of that document, and are prepared to give their full and deliberate assent to every proposition which it contains. This, however, is not the case. Such an assent is neither required nor given. The principle laid down by Paley respecting the meaning and objects of religious tests, is recognised both by law and practice. In the vast majority of cases, the articles are signed merely as articles of peace. When Professor Blackie subscribed the Confession of Faith before the Presbytery of Aberdeen, he made an explicit declaration that his subscription was to be understood as merely giving a guarantee that 'he would teach, in the chair to which he had been 'appointed, nothing contrary to, or inconsistent with, the Con-'fession of Faith of the Church of Scotland, or to the doctrine,

that in which adherence is promised to the ecclesiastical constitution of the country. The Professor must 'own and acknowledge the civil 'government in manner prescribed, or *to be prescribed*, by the Acts of 'Parliament;' but no such qualification is made respecting his adherence to the Presbyterian constitution; he is required to promise that he 'will 'practise and conform himself to the worship *presently in use* in the 'Church.'

'discipline, and government of the same.' And these explanations respecting the meaning and object of the test, met with the full approbation of the Judge who decided the case. He 'affirms that they are truly no more than the sentiments which, 'though not expressed, must be presumed, or understood to be 'felt, by a large proportion of the persons who are accustomed 'and called to subscribe this and similar legal tests.' The law, then, as interpreted by this legal authority, has a reference to Professors in their public, rather than in their private, capacity; and merely requires from them a guarantee that they shall not, in their professional instructions, impugn the doctrines of the Established Church, nor seek to subvert her discipline and government.

It is evidently for the interests of education that the best men only should be appointed to Chairs in the Universities; and it is equally evident that the wider the range of choice, the greater the probability that this object will be secured. But the enforcement of the Test Act must limit the choice of the University patrons to the best men, not of the whole world, but of one sect, forming a minority even in Scotland, and comprising by no means any exorbitant share of talent and learning. It is right and proper that the Professors of Theology should be selected from among the members of the Established Church; for no man should be appointed to teach what he does not believe. But what connexion is there between Calvinism and Chemistry—between Presbyterianism and Pharmacy? A man may surely be an eminent Scholar, and yet have doubts respecting the divine origin of Presbytery; or a profound Philosopher, and yet prefer the Liturgy to extempore Prayers. Had the test been enforced in the University of Edinburgh during the last century, no small number of those distinguished individuals who have shed so much lustre around that institution, would have been excluded from those chairs which they showed themselves so pre-eminently qualified to fill; and it is more necessary now than ever that the range of selection should be rendered as extensive as possible; since so many eminent Scotchmen have been called to occupy academical situations abroad, thereby greatly narrowing the field of choice at home. We believe we are not singular in thinking, that if, unfortunately for the interests of education, the Test Act were brought into active operation, our Universities would be deprived of their brightest ornaments; and where, let us ask, are we to look for those fit to fill their places? If the twenty-three Nonconformists at present holding office in the Scottish Universities, are expelled from the institutions which they adorn, because of their conscientious adherence to their religious prin-

ciples, the choice of their successors must, of course, be limited to the supporters of the Scottish Establishment; and where, in the ranks of that establishment, are we to look for men of European reputation qualified to fill the vacant places? If adherence to the Established Church is to be an indispensable qualification, there is not one man of first-rate attainments either in literature or in science, who would be eligible to the smallest office in any of our Universities. In such circumstances, a strong case must be made out by the abettors of these obnoxious restrictions, before they can expect the public to aid their attempts to cut down our national institutions to the petty dimensions of sectarian seminaries.

In the first place, they tell us that these tests are necessary for the safety of the Church. This is the old worn-out plea that has been urged for centuries against every proposal to bestow equality of rights and privileges on the different sections of the community. If it be true that it is necessary for the wellbeing of the Establishment that the Office-bearers in our Universities should be delivered over to a Presbyterial inquisition, the sooner that institutions which requires such a safeguard are abolished so much the better. The putting forth of such an argument, in the present condition of the Established Church, seems little short of infatuation. Men 'who had understanding of the 'times' would rather waive the assertion of privileges to which they had an unquestioned right, than seek to revive claims to the possession of revolting powers, which even, in the brightest days of their prosperity, they found themselves unable to exercise.

Every change which the progress of knowledge has brought about, has been strenuously resisted, on the very same grounds on which the abolition of the University Test Act is now opposed. Every amelioration of our ecclesiastical code, every enlargement of toleration, has been denounced as fraught with certain destruction to the Established Church. When will men learn the difference between an endowed and a privileged church —between an establishment resting its claims to public support on the benefits which it renders to the nation, and one which surrounds itself with invidious privileges, and places itself in opposition to the enjoyment of equal rights and privileges by all classes of the community? But whether the onward march of toleration be favourable to the security of the Established Church or not, it is impossible to stop its progress. The Dissenters have obtained either too much or too little. There was at least consistency in excluding them from all power and privilege—there is neither consistency nor prudence in retaining

the mere remnants of intolerance, which only serve to irritate. A Dissenter, it seems, ought not to hold office in any of the Universities; but a Dissenter may be a member of either House of Parliament, and help to make laws for the government both of the Universities and the Church. A Dissenter cannot be a teacher in the meanest parochial school, but he may be a minister of state, and wield the whole ecclesiastical patronage of the Crown. Several of the University Chairs are in the hands of private patrons, who do not conform to the Established Church. Nearly the whole patronage of the University of Edinburgh is at the disposal of the Town-Council, two-thirds of whom, with the Lord Provost, *ex officio* Lord Rector of the Seminary, at their head, are Dissenters. To this no objection is made. But that a Dissenter should occupy a chair in one of our Colleges, and initiate his pupils into a knowledge of the properties of triangles, would, we are told, be sufficient to convert our academical institutions into 'nurseries of scepticism and infidelity.' What is still more strange—Episcopalians, that very class of Nonconformists whom the law was specially framed to exclude, have, for more than a century, been freely admitted to Professorships without any but the most beneficial results; and yet, to secure by law that which has been thus partially sanctioned by custom, would, it seems, be fraught with ruin both to the Universities and the Church!

All experience has shown the folly of expecting to change men's religious opinions by means of pains and penalties. 'By 'external pressure things are compacted, as well in the moral as 'in the physical world.' Where a sect is at variance with the Established Church, an abridgement of civil privileges serves only to render it more zealous and hostile. If men are let alone, sectarian animosity soon dies away. But where a mark of degradation is set upon dissent, and men are told they must not be elected to offices because they cannot believe in this or that speculative dogma respecting the power of the magistrate, or the Divine decrees, every passion of our nature is roused in favour of their creed; and enthusiasm, resentment, or a feeling of honour, make them cleave obstinately to a religion thus stigmatized and insulted. The advantage to be gained by quitting the proscribed faith, makes it shameful to abandon it. The excluded sectary feels himself not only wronged but degraded. Heart-burnings are excited, angry passions are roused. The spirit of alienation becomes incurable. The quiet, peace-loving Seceder is turned into an active, uncompromising agitator, hostile to the Establishment, because the Establishment is hostile to him, and convinced that its destruction is indispensably necessary to the welfare of the community. This is the precise effect which

exclusive laws have ever produced. 'They contain,' as it has been justly said, 'an admirable receipt for converting all those 'who cannot agree with the doctrines of the Church, into the 'implacable enemies of its existence.'

We may be told, indeed, that we are ascribing too much importance to the operation of the University Tests; for the number excluded by them is, in reality, very small. But in the first place, it should not be forgotten that every individual feels the insult thrown upon his party. The honour or disgrace of the sect carries satisfaction or dissatisfaction to the mind of the humblest individual connected with it. 'If one member suffer, all the 'members suffer with it; or one member be honoured, all the 'members rejoice with it.' Secondly, the persons really excluded, are the very men whom every wise statesman would seek most anxiously to admit—the learned, peaceable, and conscientious—the most dangerous enemies and the most desirable friends. And, thirdly, though few may be excluded directly, all are, in a great measure, indirectly. There is probably not one Dissenting teacher in the country who does not regard himself as the victim of injustice, and believe that nothing short of a positive law could prevent him from rising to the highest honours of his profession.

An amiable person takes pleasure in communicating to others the good he himself possesses; and the more extensively it is diffused, the greater is his delight. But there are individuals to be found whose greatest enjoyment appears to consist in keeping the common blessings of life from their fellow-men, and who seem to enjoy less the possession of an earthly good by every additional person to whom it is extended. The truth is, the spirit of monopoly, the love of power, and the gratification of selfish and malignant passions, have quite as much to do in maintaining the University Tests, as zeal for religion or the Church. The more the field of competition is narrowed, the greater, of course, are the chances of success on the part of those who are permitted to start for the prize. And it is no doubt very pleasant to promote our own interests, and to gratify the insolence of superiority, while, at the same time, we flatter ourselves into the belief that we are discharging a sacred duty.

It has been said, however, that exclusion from power and office, and religious persecution, are not convertible terms—that persecution inflicts positive punishment upon persons who hold certain religious tenets; whereas exclusion from office only declares, that those who hold certain opinions shall not fill certain situations; but that it acknowledges men to be perfectly free to hold those opinions, and allows them to think and believe as they

please, without molestation or interference. But how can men be acknowledged to be perfectly free to hold their opinions, when they are distinctly told that the inevitable consequence of their exercising that freedom will be their exclusion from honourable offices which are open to men of other religious opinions? How can it be said that men are allowed to think and believe as they please, without molestation or interference, when their conscientious belief excludes them from honours and emoluments, and subjects them to degradation and insult? Persons who reason in this way, seem to imagine that persecution consists merely in imprisonment or fine. They do not appear to be aware, that degradation is a far greater evil than bodily pain or loss of property. Of all grievances, indeed, none are so keenly felt, none vibrate so powerfully through the human frame, as the brand of inferiority and legal disability inflicted on a man, 'because, on 'the highest of all considerations, he is led by the noblest of all 'guides, his own disinterested conscience.' Exclusive laws differ only in degree from the dungeon and the stake. They are just the *maximum* of persecution that the present age will bear.

It will not do to tell us that the evils we have described must be endured, to prevent a greater evil; that these restrictions, however galling, must be submitted to, as necessary safeguards of the Church. All experience has proved, that exclusive laws and invidious privileges are the weakness, not the security, of the institution that has the misfortune to be encumbered with them. They create hostility instead of disarming it. The best friends of the Church are those who seek to free it from such useless and galling restrictions; and those are its worst enemies who seek to maintain them as a bulwark of defence. And what, after all, is the amount of protection which these laws can, in any circumstances, give the Church? The utmost they can do is to reduce enemies to a state of apparent neutrality. They may restrain those who submit to them from overt acts of hostility, but not from hostile opinions and feelings.

We are fortunately enabled to bring these arguments to the test of experience. We may refer to the case of the Universities of Prussia and Holland, in proof of the good effects which have been produced by the abolition of religious tests. What is, perhaps, still more to the purpose, we have before our eyes the example of the Metropolitan University of Scotland, where the Test has been in complete abeyance during the brightest period of its existence; and yet it is not even alleged that this has in the slightest degree affected the stability of the Established Church.

But secondly, we are told that these exclusive laws must be

maintained for the sake of religion as well as of the Church; since all teachers of youth ought to be persons of religious principle—a result which can be secured only by a religious test. We willingly admit, that it is most desirable that all teachers of youth should not only possess the qualifications and attainments proper for the due performance of their special duties, but be truly religious and moral men; but we deny that this ever has been, or ever can be, secured by the operation of a test. The advocates of these restrictions have quietly taken it for granted, that outward adherence to a creed, and genuine Christianity, are one and the same thing. A test may, indeed, secure external orthodoxy, but not inward piety—the simulation of an opinion, but not the honest belief of it. True religion is something too spiritual to be created by such coarse and clumsy machinery as the application of a test, or the hope of reward or the dread of punishment. But the mischief does not stop here. The restriction referred to has not only failed to produce the expected good, but has been productive of great and positive evil. It admits those who ought to be excluded, and excludes those who ought to be admitted. It is a barrier only against the modest, pious, and conscientious enquirer after truth, who has scruples, it may be, respecting a small portion of the test, but who disdains to tamper with the sanctity of an oath; while the unscrupulous unbeliever, with whom

'Oaths are but words, and words but wind,'

takes the Test without hesitation—in many cases, it is believed, without even reading it. By offering office, honour, and emolument, as the reward of conformity, an appeal is made not to a man's conscience, but to his sordid passions, and to his vanity, and thus attempts to seduce him to sacrifice principle to selfish and worldly interests. It encourages an external, and not an internal and spiritual religion. It makes earnestness and sincerity a crime, and indifference or neutrality a virtue. The pious Presbyterian Dissenter, who, agreeing in all the important doctrines of the Confession, has the misfortune to regard lay patronage as an unwarrantable usurpation, or to believe that heretical opinions ought not to be punished by civil penalties;* or the

* 'For their publishing of such opinions, and maintaining of such 'practices as are contrary to the light of nature, or to the known prin-'ciples of Christianity, whether concerning faith, worship, or conversa-'tion, or to the power of godliness, &c., they may lawfully be called to 'account, and proceeded against by the censures of the Church, and *by*

Congregationalist, who differs from the former in regard to church government, but agrees with him in all that relates to sound doctrine, is told to stand by on the other side; while the worldly-minded, to whom the whole is a matter of perfect indifference, is freely welcomed. The consequences of such a system have been precisely what might have been expected. It has notoriously failed to secure either Christian piety, or even conformity, to the Established Church; and yet it is strenuously defended, on the ground that it is absolutely necessary to the very existence of religion in our seminaries of education!

It is justly stated, in the Resolutions on this subject, agreed to by the Senate of Marischal College, Aberdeen, that 'such 'a change has taken place in the mode of life of students in 'the Colleges of Scotland, as to remove a chief occasion for a 'religious test being deemed a requisite condition of admis-'sion to a College. Those Colleges were all framed, more or 'less, according to the monkish model; but gradually, steadily, 'universally, the domestication of students within Colleges has 'ceased to be a practice. The College buildings in Scotland 'have become essentially an aggregation of class-rooms, with 'their appendages of libraries, museums, and public halls. 'The students come to the College daily from their private 'dwelling-places, to attend the public prelections of the Profes-'sors whose branches they may be studying, and assemble in 'classes, for an hour once or twice a-day, under each Professor. 'Such, in the state to which the demands of society have brought 'all the Colleges of Scotland, is the amount of necessary inter-'course between the Professors and the students.' These statements are fully borne out by the Report of the Royal Commission of 1830; which numbered among its members the late and present Presidents of the Court of Session, Lord Justice-Clerk Hope, Lords Corehouse* and Moncreiff, the late Lord Ad-

'*the power of the civil magistrate.*'—*Confession of Faith*, chap. xx. 4. In what way, we would ask, is the good of religion to be promoted by demanding from every Professor an assent to such sentiments as these?

* The opinion of Lord Corehouse respecting academical subscription to the Confession of Faith, is worthy of especial notice. 'I dissent' (says that eminent lawyer, legal author, and judge) 'from that resolution, that all 'Professors shall be required to subscribe the Confession of Faith of the 'Church of Scotland. It is proper and necessary that the theological 'faculty should belong to the Church established in this part of the king-'dom; but to extend the same rule to the other faculties, by which not 'only Dissenters of every denomination, but members of the Church of

vocate Sir William Rae, Lords Rosebery, Melville, Aberdeen, and Haddington, and the Rev. Dr Cook. These distinguished individuals state, that 'there are few national institutions of long 'standing, which have been more powerfully modified by the 'circumstances of the country than the Universities in Scotland; 'and they have undoubtedly been gradually adapted, in an emi- 'nent degree, to the particular demands upon them, arising from 'the circumstances of the people for whose benefit they were 'designed.' After noticing the fact, that the Professors must acknowledge the standards of the Established Church, they go on to say, that, 'in other respects, the Universities of Scotland 'are not ecclesiastical institutions, not being more connected 'with the Church than with any other profession. They are 'intended for the general education of the country, and, in truth, 'possess scarcely any ecclesiastical features, except that they 'have a certain number of Professors for the purpose of teaching 'theology, in the same manner as other sciences are taught. . . . 'Neither constitutions, endowments, nor provisions for public 'instruction, are founded on the principle, that the Universities 'are appendages of the Church.' *

It is evident that the Scottish Universities are not mere ecclesiastical seminaries, but national institutions, existing for great national purposes, and supported for the benefit of the whole nation, and not for the exclusive advantage of one sect. Justice, therefore, requires that they should be adapted to the present

'England, are excluded from teaching science and literature, appears an 'inexpedient restriction in the choice of Professors. It is true, that sub- 'scription is enjoined by the Acts of Parliament cited in the report, but 'the circumstances and opinions of the country have materially changed 'since that period; and, in particular, the number of Episcopalians has 'increased among the best educated classes in the community. Ac- 'cordingly, the practice of subscription has, for a long time, been gene- 'rally discontinued in the Universities; and I am of opinion that those 'statutes, now fallen into disuse, instead of being enforced, should be 'repealed.' Yet in the debate which took place in the House of Commons (May 1844) on Mr Fox Maule's motion, for leave to bring in a bill to repeal the University Test Act, Sir James Graham is reported to have said, that 'Lord Corehouse had concurred in the recommendation 'that this test should not be discontinued, but should be more rigorously 'enforced!'

* And yet, strange to say, Dr Robertson is reported to have stated, at the last meeting of the General Assembly, that 'the Universities of 'Scotland are undoubtedly part and parcel of the Established Church 'of Scotland, and as such ought to be under the cognizance of that 'Church!'

state of society, and that every man who possesses the requisite qualifications should have free access to their honours and emoluments. No tests are subscribed by the students who are taught in these institutions, and form their chief support, and there is no good reason why any should be subscribed by the teachers.

Some of the advocates of the University Test Act profess themselves willing to carry out their principles to their full extent, and plead for the expulsion from the Universities of all nonconforming Professors and Office-bearers, to whatever religious denomination they may belong. Others, however, wiser or more moderate in their views, shrink from such a measure, and attempt to make a distinction between the case of the Episcopalians and that of the 'Free Church' Professors. They see clearly, that to enforce conformity to the Established Church on all the Office-bearers in the Universities, would inevitably bring utter ruin on these institutions. Hence, alarmed at the consequences to which their own principles must inevitably lead, they wish them carried only partially into effect; and plead for retaining Episcopalians, while they call for the expulsion of nonconforming Presbyterians. The former, they allege, though not conforming to the doctrines of the Church of Scotland, still retain no hostility to that institution; whereas the latter not only dissent from her doctrines, but are engaged in carrying on active warfare against the Establishment itself. Now, it will be observed in the first place, that this is not the ground which the Established Church has hitherto taken up on this subject. She has always insisted that the law requires entire conformity to her 'doctrine, discipline, and go-'vernment,' and will be satisfied with nothing less. And the Presbytery of St Andrews, in their libel against Sir David Brewster, affirm that every Professor 'must, previous to induc-'tion into his office, declare himself a member of the Established 'Church of Scotland, and adhere to the same as long as he re-'tains his office.' Secondly, even allowing the distinction in question to be correct, it is a distinction recognised neither by the letter of the law, nor by the spirit of the constitution. The statute either requires adherence to the Established Church on the part of all Office-bearers in the Universities, or it does not. If it does not, then the attempt to eject the 'Free Church' Professors and Office-bearers is altogether illegal and unwarrantable. If it does, then all Nonconformists, no matter to what communion they belong, must be ejected. The revival, for party purposes, of an obsolete penal statute, is bad enough; but this attempted partiality in the application of it, adds immeasurably to its iniquity. If an intolerant law is to be brought anew into action after a slumber of more than a century, at least let it be acted upon with

impartiality. It is monstrous to suppose that the country will allow any Court, civil or ecclesiastical, if such a Court could be found, to use the law in so arbitrary a fashion as to declare that one party may violate its enactments with impunity, while another, who happens to be obnoxious on particular grounds, shall suffer its pains and penalties.

But, moreover, the claim put forth for forbearance towards Episcopalians, while none is to be shown to nonconformist Presbyterians, is as groundless in point of fact as it is worthless in law. We have already shown that the latter still hold the ecclesiastical principles which were held by the framers of the Act of Security—they still 'acknowledge' the Confession of Faith, and 'conform' to the Presbyterian mode of worship. But no such defence can be offered in behalf of the Episcopalian Professors. Their admission to office in the Universities is undeniably opposed both to the spirit and the letter of the law. Adherence to a Calvinistic creed, and to a Presbyterian Church, are the two conditions that it requires, neither of which can be complied with by honest Episcopalians. Their toleration, therefore, in Scottish Academical Chairs, is a gross violation of that statute which the adherents of the Establishment are attempting to revive against Presbyterian Dissenters. The Act of Security, it is well known, was passed for the express purpose of protecting the Established Church against the supporters of Popery and Prelacy; and had no reference whatever to Presbyterian Dissenters, who (with the exception of a handful of Cameronians) did not then exist. The dreadful persecution which they had recently suffered at the hands of a Prelatical Church, made the Presbyterians of those days regard 'Prelatists' as their most inveterate enemies. Have they ceased to be so now? Do they not brand the Church of Scotland herself as 'Samaria,' and her ministers as 'laymen' and 'dissenting teachers?' Is it not passing strange, then, that an attempt should be made to distinguish between the case of Episcopalian and that of nonconforming Presbyterian Professors, on the ground that the former are friendly, and the latter hostile to the Established Church? And what are we to think of those who have not only long tolerated the violation of the law in the case of Episcopalians, but who avow that so far as they are concerned it should still remain inoperative; and who yet in the same breath tell us that every Office-bearer in the Universities must adhere to the Established Church as long as he retains office, and declare that they cannot refrain from proceeding against the Free Church Professors 'without being 'guilty of a flagrant dereliction of duty?' They may rest assured that the attempt will be as futile as it is discreditable. If the

Principal of the United College of St Andrews be expelled from that office on the ground of his secession from the Established Church, even-handed justice will require that the same step shall be taken with regard to the Episcopalian Professors of Edinburgh and Glasgow. If the one be removed, without doubt so must the other. The proper course would be, a Royal Commission to 'take trial' of the present Office-bearers in our Universities, and to 'purge out and remove' all, whether Episcopalians or Presbyterians, 'who shall not submit to the government of 'the Church now settled by law.'* The advocates of the University Test Act would do well to ponder the maxim, 'Begin 'nothing of which thou hast not well considered the end.'

But we are told, that to abolish subscription to the Confession of Faith would be a violation of the Act of Union with England. The frequency with which this argument has been brought forward, and the prominent place that has been assigned to it in the discussions which have recently taken place on this subject, would seem to indicate that the advocates of this Test regard it as their grand support. The argument is founded on the supposition, that the Articles of Union are unalterable—a plea altogether absurd. When the Act of Union was agreed to, Scotchmen were naturally jealous lest the institutions of their country should be changed, contrary to their wishes, by the vote of English representatives; and therefore, as a security against the apprehended danger, it was stipulated that these institutions should 'remain and continue unalterable.' The result of their anxious precautions shows the futility of all attempts to legislate for posterity. Our legislators have unhesitatingly treated the Act of Union as so much waste paper whenever it became necessary for the public good to do so. The Courts of Session and Justiciary, the Court of Admiralty, Heritable Jurisdictions, the extent of the Elective Franchise, and the number of Scotch Representatives to Parliament, have all been changed, though it was specially provided in the Treaty of Union, regarding one and all of them, that they should 'continue for ever.'† Nay more, the constitution of the Presbyterian Church itself, which was the special object of national anxiety, and which was secured unchanged 'to the people 'of this land in all succeeding generations,' so early as 1712 un-

* Stat. 1690, chap. xvii.

† One of the Articles of Union provided for the continuance of the law against all importation of victual from Ireland, or any other place, as 'the importation of provision and victual into Scotland would prove 'a discouragement to tillage.' Do the advocates of the Test hold that this Article should have been viewed as unalterable?

dergone a most important alteration. Lay patronage had always been obnoxious to the Presbyterians of Scotland. One of the first acts of the Scottish Parliament after the Revolution was to abolish it; and their 'latest great act, in agreeing to merge the 'Scotch into a British Parliament, involved the stipulation that 'Church patronage should not be restored.' And yet, in defiance of these solemn national engagements, in little more than five years after the royal assent had been given to the Act of Union, the yoke of patronage was again laid upon the necks of the people of Scotland by the avowed enemies of Presbyterianism, and for the express purpose of alienating their affections from the reigning family.* Out of this violation of the Act of Security have arisen, directly or indirectly, nine-tenths of Scottish dissent; and so effectually has it wrought, that the adherents to the Confession of Faith, and the Presbyterian form of church government, are now more numerous without than they are within the pale of the Establishment. Now, strange to say, the very persons who resist the abolition of the restrictions on the University Chairs, on the ground that it would be a violation of the Treaty of Union, are the warmest eulogists of this restoration of patronage. According to this mode of argument, the Treaty of Union presented no obstacle to the passing of an Act which, in one way or another, has been the means of driving two-thirds of the people of Scotland out of the Establishment; but it is an insurmountable barrier to any act of legislation that may be calculated to remedy the evils that have thus been produced! It was appealed to in vain, by the almost unanimous voice of the Scottish nation, against the act of Bolingbroke restoring lay patronage. Is it just or reasonable, then, that it should be appealed to successfully now, against a change imperatively demanded by the altered

* Lockhart of Carnwath says—'I pressed the Toleration and Patronage Acts more earnestly, that I thought the Presbyterian clergy would 'be from thence convinced that the establishment of their Kirk would in 'time be overturned, as it was obvious that the security thereof was not 'so thoroughly established by the Union as they imagined.'—*Lockhart Papers*, Vol. i. p. 418. Wodrow states, that, in a meeting of the Commission of Assembly, 'it was owned by all that patronages were a 'very great grievance, and sinful in the imposers, and a breach of the 'security of the Presbyterian constitution by the Union.' And in an address approved of by the General Assembly, the passing of the Patronage Act is declared to be 'contrary to our Church constitution, so well 'secured by the Treaty of Union.'—*Burnet's History of his Own Times*, Vol. ii. p. 595.

circumstances of the country, and which would be welcomed with as great unanimity as the former was condemned?

The question respecting the abolition of religious tests has been raised, not by their enemies, but by their friends. Had they been contented to allow to Presbyterians the toleration which, for more than a century, they have shown to Episcopalians, the demand for the total abolition of these restrictions on the Literary and Philosophical Chairs would not, in all probability, have been made at this time. But since the pretension has been revived, security ought to be taken that these intolerant statutes shall not be left capable of being misused. They are unjust in principle, and injurious in practice. They are equally hostile to the rights of conscience, and to the interests of science. They are prejudicial alike to religion and education. They hold out a temptation to insincerity in religious professions, and inflict a penalty for adhering to honest convictions. They are utterly repugnant to the feelings of the age, and are wholly inapplicable to the present character of our Universities, and the existing ecclesiastical state of Scotland. Let them, therefore, be at once erased from the statute-book. 'It is not wise,' says Burke, 'in a well-constituted common-'wealth, to retain those laws which it is not proper to execute.' Like frozen vipers, they may at any time be warmed into vigour by a pestilential atmosphere. One thing is clear, matters cannot remain in their present unsettled condition. Either the Universities must be freed from all sectarian tests, and made, in the fullest sense of the term, National Institutions, otherwise the various denominations of Dissenters will feel constrained, however reluctantly, to unite in the erection, on a broad and liberal basis, of a scientific and literary University, in which they may be able to place unlimited confidence. We deprecate such a result. Our object is the conservation of our existing educational institutions, not their destruction. The present system of education is attended with many advantages, which render its preservation an object of national importance. Students of all sects and professions have hitherto mingled in our Universities without distinction. This arrangement has been productive of the most beneficial effects on the character of all parties. The intimacies thus formed have done much to soften mutual prejudices, to moderate party spirit, and allay the bitterness of controversial feeling. But once let the youth of the various sects be confined, in the choice of their companions, to the members of their own Church, and the manifold evils of our religious dissensions will be fearfully aggravated. As the different classes would never meet, during their earlier years, in any

friendly relation, no means would exist of lessening their mutual prejudices, or of producing mutual respect and esteem; they would consequently regard each other with feelings of hostility. Sectarian seminaries of every kind are, from their very constitution, nurseries of bigotry and intolerance; and all experience proves, that the education of the youth of the country in such institutions, would do more than all other causes combined, to strengthen the virulence of party spirit, and to embitter and perpetuate religious animosities.

It gives us pleasure to close the foregoing observations with the opinions expressed in the following passage from the eloquent 'Inaugural Address,' which the present Lord Rector of the University of Glasgow delivered on occasion of his recent installation in that high office.* We honour him for the firmness and candour with which he, on so marked an occasion, expressed his own sound and enlightened convictions, before an audience which, whatever may have been the case with the younger members of the University, contained among the Professors some of the most inveterate supporters of the reprobated Test:—

'One thing I do indeed deeply regret, and speaking in ac-
'cordance with the sentiments of many, and in earnest prayer
'for the welfare of this University, I trust I may, without offence,
'express my regret that the same liberality which has opened
'your schools to the taught has not been extended to the selec-
'tion of the teachers. Making the proper and necessary excep-
'tion of those chairs which are devoted to teach the doctrines of
'the Established Church, may we not ask why the other chairs
'of this University—its secular chairs—should not be open to a
'candidate bringing admitted superiority in science—what is not
'less important, nor less rare, extraordinary power of communi-
'cating knowledge, and exciting the emulation of his students—
'and withal unimpeachable character, merely because he may
'not agree in all things, possibly in some nice point of church
'government, with the views of the Establishment? May we
'not ask whether danger *now* exists to require the rejection from
'your secular chairs of men—it may be of European celebrity—
'who would make your schools the resort of all generous and
'aspiring youth? Shall we still require tests which might have
'repelled the scrupulous consciences of William Hunter, of
'Locke, or of Newton? William Hunter has enriched your col-
'lege by his donations, not of books only and medals, though

* *Inaugural Address by Andrew Rutherfurd, Esq. M.P., on his Installation as Lord Rector of the University of Glasgow*, (Jan. 10, 1845.)—P. 10.

'these are the rarest and choicest of their kind, but by a museum 'much more valuable—the result of his labours in anatomical 'science—and showing how much may be accomplished by one 'man ardently devoted to the pursuit of knowledge. His bio-'grapher tells me, that from scruples of conscience he left the 'profession of the Church, to which his father had intended him; 'and the same scruples might have prevented you hearing that 'great master explain the structure of this frame of ours—how 'fearfully and wonderfully we are made. Locke might have 'been unable to teach here Logic or Ethics, though the same 'pen which recorded his Inquiry into the Human Understand-'ing has evinced his piety, and rendered no mean service to 'Christianity in showing its reasonableness, as demonstrated in 'Scripture. Newton himself—

> "Qui genus humanum ingenio superavit, et omnes
> Restinxit, stellas exortus uti Etherius Sol—"

'Newton might have been refused admission to the chair, from 'which it would have been his duty to unfold the mechanism of 'the heavens, and declare the glories of their Maker.'

ART. VII.—*The Claims of Labour: an Essay on the Duties of the Employers to the Employed.* 12mo. London: 1844.

'PERSONS of a thoughtful mind,' says the introduction to this little volume, 'seeing closely the falsehood, the folly, 'and the arrogance of the age in which they live, are apt, oc-'casionally, to have a great contempt for it; and I doubt not 'that many a man looks upon the present time as one of feeble-'ness and degeneracy. There are, however, signs of an increased 'solicitude for the *Claims of Labour*, which of itself is a thing of 'the highest promise, and more to be rejoiced over than all the 'mechanical triumphs which both those who would magnify, 'and those who would depreciate, the present age, would be apt 'to point to as containing its especial significance and merit.'

It is true that many are now enquiring, more earnestly than heretofore, 'how the great mass of the people are fed, clothed, 'and taught—and whether the improvement in their condition 'corresponds at all with the improvement of the condition of the 'middle and upper classes.' And many are of opinion, with the writer from whom we quote, that the answer which can be given to these questions is an unsatisfactory one. Nor is the newly-awakened interest in the condition of the labouring people confined to persons, like this author, of feeling and reflection. To its

claims upon the conscience and philanthropy of the more favoured classes, to its ever-strengthening demands upon their sense of self-interest, this cause now adds the more ephemeral attractions of the last new fashion. The *Claims of Labour* have become the question of the day: the current of public meetings, subscriptions, and associations, has for some time set strongly in that direction; and many minor topics which previously occupied the public mind, have either merged into that question, or been superseded by it. Even the Legislature, which seldom concerns itself much with new tendencies of opinion until they have grown too powerful to be safely overlooked, is invited, in each Session with increasing urgency, to provide that the labouring classes shall earn more, work less, or have their lot in some other manner alleviated; and in each Session yields more or less cheerfully, but still yields, though slowly yet increasingly, to the requisition.

That this impulse is salutary and promising, few will deny; but it would be idle to suppose that it has not its peculiar dangers, or that the business of doing good can be the only one for which *zeal* suffices, without *knowledge* or circumspection. A change from wrong to right, even in little things, is not so easy to make, as to wish for, and to talk about. Society cannot with safety, in one of its gravest concerns, pass at once from selfish supineness to restless activity. It has a long and difficult apprenticeship yet to serve; during which we shall be often reminded of the *dictum* of Fontenelle, that mankind only settle into the right course after passing through and exhausting all the varieties of error. But however this may be, the movement is not therefore to be damped or discouraged. If, in the attempt to benefit the labouring classes, we are destined to see great mistakes committed in practice, as so many errors are already advocated in theory, let us not lay the blame upon excess of zeal. The danger is, that men in general will care enough for the object, to be willing to sacrifice other people's interest to it, but not their own; and that the few who lead will make the sacrifice of their money, their time, even their bodily ease, in the cause; but will not do for its sake what to most men is so much more difficult—undergo the formidable labour of thought.

For several reasons it will be useful to trace back this philanthropic movement to its small and unobvious beginnings—to note its fountain-head, and show what mingled streams have from time to time swelled its course.

We are inclined to date its origin from an event which would in vulgar apprehension seem to have a less title to that than to any other honourable distinction—the appearance of Mr Malthus's *Essay on Population.* Though the assertion may be looked upon as a paradox, it is historically true, that only from that time has

the economical condition of the labouring classes been regarded by thoughtful men as susceptible of permanent improvement. We know that this was not the inference originally drawn from the truth propounded by Mr Malthus. Even by himself, that truth was at first announced as an inexorable law, which, by perpetuating the poverty and degradation of the mass of mankind, gave a *quietus* to the visions of indefinite social improvement which had agitated so fiercely a neighbouring nation. To these supposed corollaries from Mr Malthus's principle, it was, we believe, indebted for its early success with the more opulent classes, and for much of its lasting unpopularity with the poorer. But this view of its tendencies only continued to prevail while the theory itself was but imperfectly understood; and now lingers nowhere but in those dark corners into which no subsequent lights have penetrated. The first promulgator of a truth is not always the best judge of its tendencies and consequences; but Mr Malthus early abandoned the mistaken inferences he had at first drawn from his celebrated principle, and adopted the very different views now almost unanimously professed by those who recognise his doctrine.

So long as the necessary relation between the numbers of the labouring population and their wages had escaped attention, the poverty, bordering on destitution, of the great mass of mankind, being an universal fact, was (by one of those natural illusions from which human reason is still so incompletely emancipated) conceived to be inevitable;—a provision of nature, and as some said, an ordinance of God; a part of human destiny, susceptible merely of partial alleviation in individual cases, from public or private charity. The only persons by whom any other opinion seemed to be entertained, were those who prophesied advancements in physical knowledge and mechanical art, sufficient to alter the fundamental conditions of man's existence on earth; or who professed the doctrine, that poverty is a factitious thing, produced by the tyranny and rapacity of governments and of the rich. Even so recent a thinker, and one so much in advance of his predecessors, as Adam Smith, went no further than to say, that the labourers might be well off in a rapidly progressive state of the public wealth;—a state which has never yet comprehended more than a small portion of the earth's surface at once, and can nowhere last indefinitely; while they must be pinched and in a condition of hardship in the stationary state, which in a finite world, composed of matter not changeable in its properties, is the state towards which things must be at all times tending. The ideas, therefore, of the most enlightened men, anterior to Mr Malthus, led really to the discouraging anticipations for which his doctrine has been made accountable.

But these anticipations vanished, so soon as the truths brought to light by Mr Malthus were correctly understood. It was then seen that the capabilities of increase of the human species, as of animal nature in general, being far greater than those of subsistence under any except very unusual circumstances, must be, and are controlled, every where else, by one of two limiting principles—starvation, or prudence and conscience: That, under the operation of this conflict, the reward of ordinary unskilled labour is always and every where (saving temporary variations, and rare conjunctions of circumstances) at the lowest point to which the labourers will consent to be reduced—the point below which they will not choose to propagate their species: That this *minimum*, though every where much too low for human happiness and dignity, is different in different places, and in different ages of the world; and, in an improving country, has on the whole a tendency to rise. These considerations furnished a sufficient solution of the state of extreme poverty in which the majority of mankind had almost every where been found existing, without supposing any inherent necessity in the case—any universal cause other than the causes which have made human progress altogether so imperfect and slow as it is. And the explanation afforded a sure hope, that whatever accelerates that progress would tell with full effect upon the physical condition of the labouring classes. Whatever raises the civilization of the people at large—whatever accustoms them to require a higher standard of subsistence, comfort, taste, and enjoyment, affords of itself, according to this encouraging view of human prospects, the means of satisfying the wants which it engenders. In every moral or intellectual benefit conferred upon the mass of the people, this doctrine teaches us to see an assurance also of their physical advantage; a means of enabling them to improve their worldly circumstances—not in the vulgar way of 'rising in the world,' so often recommended to them—not by endeavouring to escape out of their class, as if to live by manual labour were a fate only endurable as a step to something else; but by raising the class itself in physical wellbeing and in self-estimation. These are the prospects which the vilified population-principle has opened to mankind. True, indeed, the doctrine teaches this further lesson, that any attempt to produce the same result by other means—any scheme of beneficence which trusts for its moving power to any thing but to the influence over the minds and habits of the people, which it either directly aims at, or may happen indirectly to promote—might, for any *general* effect of a beneficial kind which it can produce, as well be let alone. And, the doctrine being brought thus into conflict with those plans of easy beneficence

which accord so well with the inclinations of man, but so ill with the arrangements of nature, we need not wonder that the epithets of 'Malthusians' and 'Political Economists' are so often considered equivalent to hard-hearted, unfeeling, and enemies of the poor;—accusations so far from being true, that no thinkers of any pretensions to sobriety, cherish such hopeful views of the future social position of labour, or have so long made the permanent increase of its remuneration the turning-point of their political speculations, as those who most broadly acknowledge the doctrine of Malthus.

But if the permanent place now occupied in the minds of thinking men by the question of improving the condition of the labouring classes, may be dated from the new light cast by Malthus's speculations upon the determining laws of that condition, other causes are needful to account for the popularity of the subject as one of the topics of the day; and we believe they will be found in the stir and commotion of the national mind consequent upon the passing of the Reform Bill.

It was foretold during the Reform crisis, that when the consequences of the Bill should have had time to manifest themselves, the direct effects with which all mouths were filled, would prove unimportant compared with those indirect effects which were never mentioned in discussion, and which hardly any one seemed to think of. The prophecy has been signally verified. Considered as a great constitutional change, both friends and enemies now seem rather surprised that they should have ascribed so much efficacy to the Bill, for good or for evil. But its indirect consequences have surpassed every calculation. The series of events, commencing with Catholic Emancipation, and consummated by the Reform Act, brought home for the first time to the existing generation a practical consciousness of living in a world of change. It gave the first great shock to old habits. It was to politics what the Reformation was to religion—it made reason the recognised standard, instead of authority. By making it evident to the public that they were on a new sea, it destroyed the force of the instinctive objection to new courses. Reforms have still to encounter opposition from those whose interests they affect, or seem to affect; but innovation is no longer under a ban, merely as innovation. The existing system has lost its *prestige;* it has ceased to be the system which Tories had been taught to venerate, and has not become that which Liberals were accustomed to desire. When any wide-spread social evil was brought before minds thus prepared, there was such a chance as there had not been for the last two hundred years, of its being examined with a real desire to find a remedy,

or at least without a predetermination to leave things alone. That the evils of the condition of the working classes should be brought before the mind of the nation in the most emphatic manner, was the care of those classes themselves. Their 'petition 'of grievances' was embodied in the People's Charter.

The democratic movement among the operative classes, commonly known as Chartism, was the first open separation of interest, feeling, and opinion, between the labouring portion of the commonwealth and all above them. It was the revolt of nearly all the active talent, and a great part of the physical force of the working classes, against their whole relation to society. Conscientious and sympathizing minds among the ruling classes, could not but be strongly impressed by such a protest. They could not but ask themselves, with misgiving, what there was to say in reply to it; how the existing social arrangements could best be justified to those who deemed themselves aggrieved by them. It seemed highly desirable that the benefits derived from those arrangements by the poor should be made less questionable —should be such as could not easily be overlooked. If the poor had reason for their complaints, the higher classes had not fulfilled their duties as governors; if they had no reason, neither had those classes fulfilled their duties in allowing them to grow up so ignorant and uncultivated as to be open to these mischievous delusions. While one sort of minds among the more fortunate classes, were thus influenced by the political claims put forth by the operatives, there was another description upon whom that phenomenon acted in a different manner, leading, however, to the same result. While some, by the physical and moral circumstances which they saw around them, were made to feel that the condition of the labouring classes *ought* to be attended to, others were made to see that it *would* be attended to, whether they wished to be blind to it or not. The victory of 1832, due to the manifestation though without the actual employment of physical force, had taught a lesson to those who, from the nature of the case, have always the physical force on their side; and who only wanted the organization, which they were rapidly acquiring, to convert their physical power into a moral and social one. It was no longer disputable that something must be done to render the multitude more content with the existing state of things.

Ideas, unless outward circumstances conspire with them, have in general no very rapid or immediate efficacy in human affairs; and the most favourable outward circumstances may pass by, or remain inoperative, for want of ideas suitable to the conjuncture. But when the right circumstances and the right ideas meet, the

effect is seldom slow in manifesting itself.* In the posture of things which has been described, we attribute considerable effect to certain writers, by whom what many were either thinking or prepared to think, was for the first time expressly proclaimed. Among these must be reckoned Mr Carlyle, whose 'Chartism' and 'Past and Present' were openly, what much of his previous writings had been incidentally, an indignant remonstrance with the higher classes on their sins of omission against the lower; contrasted with what he deemed the superior efficiency, in that relation, of the rulers in older times. On both these points, he has met with auxiliaries from a directly opposite point of the political horizon; from those whom a spirit of reaction against the democratic tendencies of the age, had flung off with the greatest violence in the direction of feudal and sacerdotal ascendency. As, in the Stuart times, there were said to be Church Puritans and State Puritans, so there are now Church Puseyites and what may be called State Puseyites; of whom the so-called 'Young England' party aspires to be the parliamentary organ, and the *Times* newspaper makes itself to some extent the representative in the press:—men who look back with fondness to times when the poor had no notion of any other social state than to give obedience to the nearest great landholder, and receive protection; and who assert, in the mean time, the right of the poor to protection, in hopes that the obedience will follow.

To complete the explanation of this increase of sympathy for the poor, it ought to be noticed that, until lately, few were adequately aware of their real condition. The agitation against the Poor-Law, bad as it was and is, both in its objects and in its effects, had in it this good, that it incessantly invited attention to the details of distress. The enquiries emanating from the Poor-Law Commission, and the official investigations of the last few years, brought to light many facts which made a great impression upon the public; and the poverty and wretchedness of great masses of people were incidentally unveiled by the struggles of parties respecting the Corn-Laws. The Agriculturists attempted to turn the tables upon their opponents, by highly-coloured pictures of the sufferings and degradation of the Factory people; and the League repaid the attack with interest, by sending emissaries into the rural districts, and publishing the deplorable poverty of the agricultural labourers.

From these multifarious causes a feeling has been awakened which would soon be as influential in elections as the anti-slavery movement some years ago, and dispose of funds equal to those of the missionary societies, had it but as definite an object. The stream at present flows in a multitude of small channels. Socie-

ties for the protection of needlewomen, of governesses—associations to improve the buildings of the labouring classes, to provide them with baths, with parks and promenades, have started into existence. Legislative interference to abridge the hours of labour in factories has obtained large minorities, and once a passing majority, in the House of Commons; and attempts are multiplying to obtain, by the consent of employers, a similar abridgement in many departments of retail trade. In the rural districts, every expedient, practicable or not, for giving work to the unemployed, finds advocates; public meetings for the discussion and comparison of projects have lately been frequent; and the movement towards the 'allotment system' is becoming general.

If these, and other modes of relieving distress, were looked upon simply in the light of ordinary charity, they would not fill the large space they do in public discussion, and would not demand any special comment. To give money in alms has never been, either in this country or in most others, a rare virtue. Charitable institutions, and subscriptions for relief of the destitute, already abounded: and if new forms of suffering, or classes of sufferers previously overlooked, were brought into notice, nothing was more natural than to do for them what had already been done for others. People usually give alms to gratify their feelings of compassion, or to discharge what they think their duty by giving of their superfluity to alleviate the wants of individual sufferers; and beyond this they do not, nor are they, in general, qualified to look. But it is not in this spirit that the new schemes of benevolence are conceived. They are propounded as instalments of a great social reform. They are celebrated as the beginning of a new moral order, or an old order revived, in which the possessors of property are to resume their place as the paternal guardians of those less fortunate; and which, when established, is to cause peace and union throughout society, and to extinguish, not indeed poverty—that hardly seems to be thought desirable—but the more abject forms of vice, destitution, and physical wretchedness. What has hitherto been *done* in this brilliant career of improvement, is of very little importance compared with what is *said*;—with the objects held up to pursuit, and the theories avowed. These are not now confined to speculative men and professed philanthropists. They are made familiar to every reader of Newspapers by sedulous inculcation from day to day.

It is therefore not superfluous to consider whether these theories, and the expectations built upon them, are rational or chimerical; whether the attempt to carry them out would in the end be found to accord or conflict with the nature of man, and of the world in which he is cast. It would be unfair to the theorists to try them

by any thing which has been commenced, or even projected. Were they asked if they expect any good to the general interest of the labouring people, from a Labourers' Friend Society, or a Society for Distressed Needlewomen, they would of course answer —that they do not; that these are but the first leaf-buds of what they hope to nourish into a stately and spreading tree; that they do not limit their intentions to mitigating the evils of a low remuneration of labour, but must have a high remuneration; in the words of the operatives in the late disturbances—"a fair day's wages for a fair day's work;"—that they hope to secure this, and will be contented with nothing short of it. Here, then, is a ground on which we can fairly meet them. That object is ours also. The question is of means, not ends. Let us look a little into the means they propose.

Their theory appears to be, in few words, this—That it is the proper function of the possessors of wealth, and especially of the employers of labour and the owners of land, to take care that the labouring people are well off;—that they ought always to pay good wages;—that they ought to withdraw their custom, their patronage, and any other desirable thing at their disposal, from all employers who will not do the like;—that, at these good wages, they ought to give employment to as great a number of persons as they can afford; and to make them work for no greater number of hours in the twenty-four, than is compatible with comfort, and with leisure for recreation and improvement. That if they have land or houses to be let to tenants, they should require and accept no higher rents than can be paid with comfort; and should be ready to build, at such rents as can be conveniently paid, warm, airy, healthy, and spacious cottages, for any number of young couples who may ask for them.

All this is not said in direct terms; but something very little short of it is. These principles form the standard by which we daily see the conduct, both of classes and of individuals, measured and condemned; and if these principles are not true, the new doctrines are without a meaning. It is allowable to take this picture as a true likeness of the 'new moral world,' which the present philanthropic movement aims at calling into existence.

Mankind are often cautioned by divines and moralists against unreasonableness in their expectations. We attach greater value to the more limited warning against inconsistency in them. The state of society which this picture represents, is a conceivable one. We shall not at present enquire if it is of all others the most eligible one, even as an Utopia. We only ask if its promoters are willing to accept this state of society, together with all its inevitable accompaniments.

It is quite possible to impose, as a moral or a legal obligation, upon the higher classes, that they shall be answerable for the well-doing and well-being of the lower. There have been times and places in which this has in some measure been done. States of society exist, in which it is the recognised duty of every owner of land, not only to see that all who dwell and work thereon are fed, clothed, and housed, in a sufficient manner; but to be, in so full a sense, responsible for their good conduct, as to indemnify all other persons for any damage they do, or offence they may commit. This must surely be the ideal state of society which the new philanthropists are contending for. Who are the happy labouring classes who enjoy the blessings of these wise ordinances?—The Russian boors. There are other labourers, not merely tillers of the soil, but workers in great establishments partaking of the nature of Factories, for whom the laws of our own country, even in our own time, compelled their employers to find wholesome food, and sufficient lodging and clothing. Who were these?—The slaves on a West India estate. The relation sought to be established between the landed and manufacturing classes and the labourers, is therefore by no means unexampled. The former have before now been forced to maintain the latter, and to provide work for them, or support them in idleness. But this obligation never has existed, and never will nor can exist, without, as a countervailing element, absolute power, or something approaching to it, in those who are bound to afford this support, over those entitled to receive it. Such a relation has never existed between human beings, without ultimate degradation to the character of the dependent class. Shall we take another example, in which things are not carried quite so far as this? There are governments in Europe who look upon it as part of their duty to take care of the physical well-being and comfort of the people. The Austrian government in its German dominions does so. Several of the minor German governments do so. But with paternal care is connected paternal authority. In these states we find severe restrictions on marriage. No one is permitted to marry unless he satisfies the authorities that he has a rational prospect of being able to support a family.

Thus much, at least, it might have been expected that the apostles of the new theory would have been prepared for. They cannot mean that the working classes should combine the liberty of action of independent citizens, with the immunities of slaves. There are but two modes of social existence for human beings;—they must be left to the natural consequences of their mistakes in life; or society must guard against the mistakes, by prevention

or punishment. Which will the new philanthropists have? If it is really to be incumbent on whoever have more than a mere subsistence, to give, so far as their means enable them, good wages and comfortable homes to all who present themselves, it is not surely intended that these should be permitted to follow the instinct of multiplication at the expense of others, until all are reduced to the same level as themselves. We should therefore have expected that the philanthropists would have accepted the condition, and contended for such a measure of restriction as might prevent the good they meditate from producing an over-balance of evil. To our surprise, we find them the great sticklers for the domestic liberty of the poor. The outcry against the Poor-Law finds among them its principal organs. Far from being willing that a man should be subject, when out of the poor-house, to any restraints other than his own prudence may dictate, they will not submit to its being imposed upon him while actually supported at the expense of others. It is they who talk of Union Bastiles. They cannot bear that even a Workhouse should be a place of regulation and discipline; that any extrinsic restraint should be applied even there. Their bitterest quarrel with the present system of relief is, that it enforces the separation of the sexes.

The higher and middle classes might or ought to be willing to submit to a very considerable sacrifice of their own means, for improving the condition of the existing generation of labourers, if by this they could hope to provide similar advantages for the generation to come. But why should they be called upon to make these sacrifices, merely that the country may contain a greater number of people, in as great poverty and as great liability to destitution as now? If whoever has too little is to come to them to make it more, there is no alternative but restrictions on marriage, combined with such severe penalties on illegitimate births, as it would hardly be possible to enforce under a social system in which all grown persons are, nominally at least, their own masters. Without these provisions, the millennium promised would, in little more than a generation, sink the people of any country in Europe to one level of poverty. If, then, it is intended that the law, or the people of property, should assume a control over the multiplication of the people, tell us so plainly, and inform us how you propose to do it. But it will doubtless be said, that nothing of this sort would be endurable; that such things are not to be dreamt of in the state of English society and opinion; that the spirit of equality, and the love of individual independence, have so pervaded even the poorest class, that they would not take plenty to eat and drink at the price of having

their most personal concerns regulated for them by others.' If this be so, all schemes for withdrawing wages from the control of supply and demand, or raising the people by other means than by such changes in their minds and habits as shall make them fit guardians of their own physical condition—are schemes for combining incompatibilities. They ought to be shielded, we hope they already are so, by public or private charity, from actual want of mere necessaries, and from any other extreme of bodily suffering. But if the whole income of the country were divided among them in wages or poor-rates, still, until there is a change in themselves, there can be no lasting improvement in their outward condition.

And how is this change to be effected, while we continue inculcating upon them that their wages are to be regulated for them, and that to keep wages high is other people's business and not theirs? All classes are ready enough without prompting, to believe that whatever ails them is not their fault, but the crime of somebody else; and that they are granting an indemnity to the crime if they attempt to get rid of the evil by any effort or sacrifice of their own. The National Assembly of France has been much blamed for talking in a rhetorical style about the rights of man, and neglecting to say any thing about the duties. The same error is now in the course of being repeated with respect to the rights of poverty. It would surely be no derogation from any one's philanthropy to consider, that it is one thing to tell the rich that they ought to take care of the poor, and another thing to tell the poor that the rich ought to take care of them; and that it is rather idle in these days to suppose that a thing will not be overheard by the poor because it is not designed for their ears. It is most true that the rich have much to answer for in their conduct to the poor. But in the matter of their poverty, there is no way in which the rich *could* have helped them, but by inducing them to help themselves; and if, while we stimulate the rich to repair this omission, we do all that depends upon us to inculcate upon the poor that they need not attend to the lesson, we must be little aware of the sort of feelings and doctrines with which the minds of the poor are already filled. If we go on in this course, we may succeed in bursting society asunder by a Socialist revolution; but the poor, and their poverty, we shall leave worse than we found them.

The first remedy, then, is to abstain from directly counteracting our own end. The second, and most obvious, is Education. And this, indeed, is not the principal, but the sole remedy, if understood in its widest sense. Whatever acts upon the minds of the labouring classes, is properly their education. But their minds, like those of other people, are acted upon by the whole of their

social circumstances; and often the part of their education which is least efficacious as such, is that which goes by the name.

Yet even in that comparatively narrow sense, too much stress can hardly be laid upon its importance. We have scarcely seen more than the small beginnings of what might be effected for the country even by mere schooling. The religious rivalries, which are the unhappy price the course of our history has compelled us to pay for such religious liberty as we possess, have as yet thwarted every attempt to make this benefit universal. But if the children of different religious bodies cannot be instructed together, each can be instructed apart. And if we may judge from the zeal manifested, and the sums raised, both by the Church and by Dissenters, since the abandonment of the Government measure two years ago, there is no deficiency of pecuniary means for the support of schools, even without the aid which the State certainly will not refuse. Unfortunately there is something wanting which pecuniary means will not supply. There is a lack of sincere desire to attain the end. There have been schools enough in England, these thirty years, to have regenerated the people, if, wherever the means were found, the end had been desired. But it is not always where there are schools that there is a wish to educate. There may be a wish that children should learn to read the Bible, and, in the Church Schools, to repeat the Catechism. In most cases, there is little desire that they should be taught more; in many, a decided objection to it. Schoolmasters, like other public officers, are seldom inclined to do more than is exacted from them; but we believe that teaching the poor is almost the only public duty in which the payers are more a check than a stimulant to the zeal of their own agents. A teacher whose heart is in the work, and who attempts any enlargement of the instruction, often finds his greatest obstacle in the fears of the patrons and managers lest the poor should be 'over-educated;' and is driven to the most absolute evasions to obtain leave to teach the common rudiments of knowledge. The four rules of arithmetic are often only tolerated through ridiculous questions about Jacob's lambs, or the number of the Apostles, or the Patriarchs; and geography can only be taught through maps of Palestine to children who have yet to learn that the earth consists of Europe, Asia, Africa, and America. A person must be beyond being argued with who believes that this is the way to teach religion, or that a child will be made to understand the Bible by being taught to understand nothing else. We forbear to comment on the instances in which Church Schools have been opened, solely that through the influence of superiors the children might be drawn away from a Dissenting School already existing; and, as soon as that was shut up, the rival establishment, having attained its end, has been allowed to fall into disuse.

This spirit could never be tolerated by any person of honest intentions, who knew the value of even the commonest knowledge to the poor. We know not how the case may be in other countries, among a more quick-witted people; but in England, it would hardly be believed to what a degree all that is morally objectionable in the lowest class of the working people is nourished, if not engendered, by the low state of their understandings. Their infantine credulity to what they hear, when it is from their own class; their incapacity to observe what is before their eyes; their inability to comprehend or believe purposes in others which they have not been taught to expect, and are not conscious of in themselves—are the known characteristics of persons of low intellectual faculties in all classes. But what would not be equally credible without experience, is an amount of deficiency in the power of reasoning and calculation, which makes them insensible to their own direct personal interests. Few have considered how any one who could instil into these people the commonest worldly wisdom—who could render them capable of even selfish prudential calculations—would improve their conduct in every relation of life, and clear the soil for the growth of right feelings and worthy propensities.

To know what schools may do, we have but to think of what our Scottish Parochial Schools have formerly done. The progress of wealth and population has outgrown the machinery of these schools, and, in the towns especially, they no longer produce their full fruits: but what do not the peasantry of Scotland owe to them? For two centuries, the Scottish peasant, compared with the same class in other situations, has been a reflecting, an observing, and therefore naturally a self-governing, a moral and a successful human being—because he has been a reading and a discussing one; and this he owes above all other causes to the parish schools. What during the same period have the English peasantry been?

Let us be assured that too much opportunity cannot be given to the poor of exercising their faculties, nor too great a variety of ideas placed within their reach. We hail, therefore, the cheap Libraries, which are supplying even the poorest with matter more or less instructive, and, what is of equal importance, calculated to interest their minds. But it is not only, or even principally, books and book learning, that constitutes education for the working or for any other class. Schools for reading are but imperfect things, unless systematically united with schools of industry;—not to improve them as workmen merely, but as human beings. It is by action that the faculties are called forth, more than by words

—more at least than by words unaccompanied by action. We want schools in which the children of the poor should learn to use not only their hands, but their minds, for the guidance of their hands; in which they should be trained to the actual adaptation of means to ends; should become familiar with the accomplishment of the same object by various processes, and be made to apprehend with their intellects in what consists the difference between the right way of performing industrial operations and the wrong. Meanwhile they would acquire, not only manual dexterity, but habits of order and regularity, of the utmost use in after-life, and which have more to do with the formation of character than many persons are aware of. Mr Aubin's school at Norwood contains, if reports may be trusted, many features worthy of study and imitation; and there are others to which favourable testimony is borne by competent observers. But we are inculcating principles, not proposing models. Such things would do much more than is usually believed towards converting these neglected creatures into rational beings—beings capable of foresight, accessible to reasons and motives addressed to their understanding; and therefore not governed by the utterly senseless modes of feeling and action, which so much astonish educated and observing persons who are brought into contact with them.

But when education, in this its narrow sense, has done its best, and even to enable it to do its best, an education of another sort is required, such as schools cannot give. What is taught to a child at school will be of little effect if the circumstances which surround the grown man or woman contradict the lesson. You may cultivate his understanding, but what if he cannot employ it without becoming discontented with his position, and disaffected to the whole order of things in which he is cast? Society educates the poor, for good or for ill, by its conduct to them, even more than by direct teaching. A sense of this truth is the most valuable feature in the new philanthropic agitation; and the recognition of it is important, whatever mistakes may be at first made in practically applying it.

In the work before us, and in the best of the other writings which have appeared lately on the philanthropic side of the subject, a strong conviction is expressed, that there can be no healthful state of society, and no social or even physical welfare for the poor, where there is no relation between them and the rich except the payment of wages, and (we may add) the receipt of charity; no sense of co-operation and common interest between those natural associates who are now called the employers and the employed. In part of this we agree, although we think the case not a little overstated. A well-educated labouring class

could, and we believe would, keep up its condition to a high standard of comfort; or at least at a great distance from physical destitution, by the exercise of the same degree of habitual prudence now commonly practised by the middle class; among whom the responsibilities of a family are rarely incurred without some prospect of being able to maintain it with the customary decencies of their station. We believe, too, that if this were the case, the poor could do very well without those incessant attentions on the part of the rich which constitute the new whole duty of man to his poorer neighbour. Seeing no necessary reason why the poor should be hopelessly dependent, we do not look upon them as permanent subjects for the exercise of those peculiar virtues which are essentially intended to mitigate the humiliation and misery of dependence. But the need of greater fellow-feeling and community of interest between the mass of the people and those who are by courtesy considered to guide and govern them, does not require the aid of exaggeration. We yield to no one in our wish that 'cash payment' should be no longer 'the 'universal *nexus* between man and man;' that the employers and employed should have the feelings of friendly allies, not of hostile rivals whose gain is each other's loss. But while we agree, so far, with the new doctrines, it seems to us that some of those who preach them are looking in the wrong quarter for what they seek. The social relations of former times, and those of the present, not only are not, but cannot possibly be, the same. The essential requirements of human nature may be alike in all ages, but each age has its own appropriate means of satisfying them. Feudality, in whatever manner we may conceive it modified, is not the type on which institutions or habits can now be moulded. The age that produces railroads which, for a few shillings, will convey a labourer and his family fifty miles to find work; in which agricultural labourers read newspapers, and make speeches at public meetings called by themselves to discuss low wages—is not an age in which a man can feel loyal and dutiful to another because he has been born on his estate. Obedience in return for protection is a bargain only made when protection can be had on no other terms. Men now make that bargain with society, not with an individual. The law protects them, and they give their obedience to that. Obedience in return for wages is a different matter. They will make that bargain too, if necessity drives them to it. But good-will and gratitude form no part of the conditions of such a contract. The deference which a man now pays to his 'brother of the earth,' merely because the one was born rich and the other poor, is either hypocrisy or servility. Real attachment, a genuine feeling of subordi-

nation, must now be the result of personal qualities, and requires them on both sides equally. Where these are wanting, in proportion to the enforced observances will be the concealed enmity; not, perhaps, towards the individual, for there will seldom be the extremes either of hatred or of affection in a relation so merely transitory; but that *sourde* animosity which is universal in this country towards the whole class of employers, in the whole class of the employed.

As one of the correctives to this deep-seated alienation of feeling, much stress is laid on the importance of personal demeanour. In the 'Claims of Labour' this is the point most insisted upon. The book contains numerous aphorisms on this subject, and they are such as might be expected from the author of 'Essays written in the Intervals of Business,' and 'Thoughts in the Cloister and the Crowd.' A person disposed to criticise might indeed object, that these earnest and thoughtful sayings are chiefly illustrative of the duty of every one to every one; and are applicable to the formation of our own character, and to human relations generally, rather than to the special relation between the rich and the poor. It is not as concerning the poor specially, that these lessons are needed. The faults of the rich to the poor are the universal faults. The demeanour fitting towards the poor, is that which is fitting towards every one. It is a just charge against the English nation, considered generally, that they do not know how to be kind, courteous, and considerate of the feelings of others. It is their character throughout Europe. They have much to learn from other nations in the arts not only of being serviceable and amiable with grace, but of being so at all. Whatever brings the habitual feelings of human beings to one another nearer to the Christian standard, will produce a better demeanour to every one, and therefore to the poor. But it is not peculiarly towards them that the deficiency manifests itself. On the contrary, speaking of the rich individually, (as distinguished from collective conduct in public life,) there is generally, we believe, a very sincere desire to be amiable to the poor.

Where there exists the quality, so rare in England, of genuine sociability, combined with as much knowledge of the feelings and ways of the working classes as can enable any one to show interest in them to any useful purpose, the effects obtained are even now very valuable. The author of the 'Claims of Labour' has done a useful thing by giving additional publicity to the proceedings of a generous and right-minded mill-owner, whom he does not name, but who is known to be Mr Samuel Greg, from whose letters to Mr Leonard Horner he has quoted largely.

Mr Greg proceeded partly in the obvious course of building good cottages, granting garden allotments, establishing schools, and so forth. But the essence of his plan consisted in becoming personally acquainted with the operatives, showing interest in their pursuits, taking part in their social amusements, and giving to the *élite* of them—men, women, and young persons—periodical access to the society and intercourse of his own home. He has afforded a specimen and model of what can be done for the people under the calumniated Factory System. And in nothing is he more to be commended than in the steadiness with which he upholds the one essential principle of all effectual philanthropy. 'The motto on our flag,' says he, 'is—*Aide-toi, le ciel t'aidera.* It 'is the principle I endeavour to keep constantly in view. It is the 'only principle on which it is safe to help any body, or which can 'prevent benevolence from being poisoned into a fountain of 'moral mischief.' His experiment has, for many years, been well rewarded by success. But, for the cure of great social evils, too great stress must not be laid upon it. The originator of such a scheme is, most likely, a person peculiarly fitted by natural and acquired qualifications for winning the confidence and attachment of untutored minds. If the spirit should diffuse itself widely among the employers of labour, there might be, in every large neighbourhood, some such man; we could never expect that the majority would be such. Even Mr Greg had to begin, as he tells us, by *selecting* his labourers. He had to 'get rid of 'his aborigines.' He 'endeavoured, as far as possible, to find 'such families as we knew to be respectable, or thought likely 'to be so, and who, we hoped, if they were made comfortable, 'would remain and settle upon the place; thus finding and 'making themselves a home, and losing, by degrees, that rest-'less and migratory spirit which is one of the peculiar charac-'teristics of the manufacturing population, and perhaps the 'greatest of all obstacles in the way of permanent improvement 'among them.' It is in the nature of things that employers so much beyond the average, should gather round them better labourers than the average, and retain them, while so eligible a lot is not to be had elsewhere. But ordinary human nature is so poor a thing, that the same attachment and influence would not, with the same certainty, attend similar conduct, if it no longer formed a contrast with the indifference of other employers. The gratitude of men is for things unusual and unexpected. This does not take from the value of Mr Greg's exertions. Whoever succeeds in improving a certain number of the working people, does so much towards raising the class; and all such good influences have a tendency to spread. But for creating a permanent tie between employers and employed, we must not count

upon the results manifested in cases of exception, which would probably lose a part of their beneficial efficacy if they became the rule.

If, on a subject on which almost every thinker has his Utopia, we might be permitted to have ours; if we might point to the principle on which, at some distant date, we place our chief hope for healing the widening breach between those who toil and those who live on the produce of former toil; it would be that of raising the labourer from a receiver of hire—a mere bought instrument in the work of production, having no residuary interest in the work itself—to the position of being, in some sort, a partner in it. The plan of remunerating subordinates in whom trust must be reposed, by a commission on the returns instead of only a fixed salary, is already familiar in mercantile concerns, on the ground of its utility to the employer. The wisdom, even in a worldly sense, of associating the interest of the agent with the end he is employed to attain, is so universally recognised in theory, that it is not chimerical to expect it may one day be more extensively exemplified in practice. In some form of this policy we see the only, or the most practicable, means of harmonizing the 'rights of industry' and those of property; of making the employers the real chiefs of the people, leading and guiding them in a work in which they also are interested—a work of co-operation, not of mere hiring and service; and justifying, by the superior capacity in which they contribute to the work, the higher remuneration which they receive for their share of it.*

* In the able and interesting 'Lettres Politiques' of M. Charles Duveyrier, some account is given of an attempt which has been successfully made to carry this principle into practice, on a small scale, by an employer of labour at Paris. The name of the individual is Leclaire, his occupation that of a house-painter, and he has made his proceedings public in a pamphlet, entitled 'Répartition des Bénéfices du Travail en '1842.' M. Leclaire pays his labourers, and other employés, by fixed salaries or weekly wages in the usual manner. He assigns also to himself a fixed allowance. When the year's accounts are made up, the surplus profits are shared among all concerned, himself included, in the ratio of their fixed allowances. The result has been most prosperous both to himself and to his labourers, not one of whom, who worked as much as three hundred days, obtained, in the year of which he has published the accounts, less than 1500 francs (£60,) and some considerably more.

In the mining districts of Cornwall the working miners are invariably joint adventurers in the concern; and for intelligence, independence, and good conduct, as well as prosperous circumstances, no labouring population in the island is understood to be comparable to the Cornish miners.

But without carrying our view forward to changes of manners, or changes in the relation of the different orders of society to one another, let us consider what can be done immediately, and by the legislature, to improve either the bodily or mental condition of the labouring people.

And let it here be remembered that we have to do with a class, a large portion of which reads, discusses, and forms opinions on public interests. Let it be remembered also, that we live in a political age; in which the desire of political rights, or the abuse of political privileges by the possessors of them, are the foremost ideas in the minds of most reading men—an age, too, the whole spirit of which instigates every one to demand fair play for helping himself, rather than to seek or expect help from others. In such an age, and in the treatment of minds so predisposed, justice is the one needful thing rather than kindness. We may at least say that kindness will be little appreciated, will have very little of the effect of kindness upon the objects of it, so long as injustice, or what they cannot but deem to be injustice, is persevered in. Apply this to several of the laws maintained by our legislature. Apply it, for example, to the Corn-Laws. Will the poor thank you for giving them money in alms; for subscribing to build baths and lay out parks for them, or, as Lord John Manners proposes, playing at cricket with them, if you are at the same time taxing their bread to swell your rents? We entreat 'Young England' to believe, that as long as they vote for the Corn-Laws, people will never begin to take them and their professions *au sérieux;* they will be looked upon as they are now, as light-headed young men, momentarily more successful than other dandies in the line of peculiarity which they have chosen; but not as serious thinkers acting upon any consistent intellectual scheme, or from any real conscientious feeling. We could understand persons who said—the people will not be better off whatever we do, and why should we sacrifice our rents or open our purses for so meagre a result. But we cannot understand men who give alms with one hand, and take away the bread of the labourer with the other. Can they wonder that the people say—instead of doling out to us a small fragment of what is rightfully our own, why do you not disgorge your unjust gains? One of the evils of the matter is, that the gains are so enormously exaggerated. Those who have studied the question know that the landlords gain very little by the Corn-Laws; and would soon have even that little restored to them by the indirect consequences of the abrogation. The rankling sense of gross injustice, which renders any approximation of feeling between the classes impossible while even the remembrance of it lasts, is inflicted for a quite insignificant pecuniary advantage.

There are some other practices which, if the new doctrines are embraced in earnest, will require to be reconsidered. For example, it seems to us that mixing in the social assemblies of the country people, and joining in their sports, would square exceedingly ill with the preserving of game. If cricketing is to be taken in common by the rich and poor, why not shooting? We confess that when we read of enormous game preserves, kept up that great personages may slaughter hundreds of wild animals in a day's shooting, we are amazed at the puerility of taste which can call this a sport; as much as we lament the want of just feeling which, for the sake of sport, can keep open from generation to generation this source of crime and bitterness in the class which it is now so much the fashion to patronize.

We must needs think, also, that there is something out of joint, when so much is said of the value of refining and humanizing tastes to the labouring people—when it is proposed to plant parks and lay out gardens for them, that they may enjoy more freely nature's gift alike to rich and poor, of sun, sky, and vegetation; and along with this a counter-progress is going on of stopping up paths and enclosing commons; nay, a bill annually introduced into Parliament, with the prospect of success, offering new and unheard-of facilities to the latter operation. Is not this another case of giving with one hand and taking back more largely with the other? We look with the utmost jealousy upon any further enclosure of commons. In the greater part of this island, exclusive of the mountain and moor districts, there certainly is not more land remaining in a state of natural wildness than is desirable. Those who would make England resemble many parts of the Continent, where every foot of soil is hemmed in by fences and covered over with the traces of human labour, should remember that where this is done, it is done for the use and benefit, not of the rich, but of the poor; and that in the countries where there remain no commons the rich have no parks. The common is the peasant's park. Every argument for ploughing it up to raise more produce, applies *a fortiori* to the park, which is generally far more fertile. The effect of either, when done in the manner proposed, is only to make the poor more numerous, not better off; and is particularly uncalled for in the face of a probable abolition of the Corn-Laws, rendering speculations upon the turning up of barren soils at this time especially precarious. But what ought to be said when, as so often happens, the common is taken from the poor, that the whole or great part of it may be added to the enclosed pleasure domain of the rich? Is the miserable compensation, and though miserable yet seldom granted,

of a small scrap of the land to each of the cottagers who had a goose on the common, any equivalent to the poor generally, to the lovers of nature, or to future generations, for this legalized spoliation?

These are things to be avoided. Among things to be done, the most obvious is to remove every restriction, every artificial hinderance, which legal and fiscal systems oppose to the attempts of the labouring classes to forward their own improvement. These hinderances are sometimes to be found in quarters in which they may not be looked for; as a few instances will show.

Some years ago the Society for the Diffusion of Useful Knowledge, in a well-intended tract addressed to the working people, to correct the prejudices entertained by some of them against the 'claims of capital,' gave some advice to the labourers, which produced considerable comment at the time. It exhorted them to 'make themselves capitalists.' To most labouring people who read it, this exhortation probably appeared ironical. But some of the more intelligent of the class found a meaning in it. It did occur to them that there was a mode in which they could make themselves capitalists. Not, of course, individually; but by bringing their small means into a common fund, by forming a numerous partnership or joint stock, they could, as it seemed to them, become their own employers—dispense with the agency of receivers of profit, and share among themselves the entire produce of their labour. This was a most desirable experiment. It would have been an excellent thing to have ascertained whether any great industrial enterprise, a manufactory for example, could be successfully carried on upon this principle. If it succeeded, the benefit was obvious; if, after sufficient trial, it was found impracticable, its failure also would be a valuable lesson. It would prove to the operatives, that the profits of the employer are but the necessary price paid for the superiority of management produced by the stimulus of individual interest; and that if the capitalist be the costliest part of the machinery of production, he more than repays his cost. But it was found that the defects of the law of partnership, as applicable to numerous associations, presented difficulties rendering it impracticable to give this experiment a fair trial. Here, then, is a thing which Parliament might do for the labouring classes. The framing of a good law of Partnership, giving every attainable facility to the formation of large industrial capitals, by the aggregation of small savings, would be a real boon. It would be the removal of no ideal grievance, but of one which we know to be felt, and felt deeply, by the most intelligent and right-thinking of

the class—those who are most fitted to acquire, and best qualified to exercise, a beneficent influence over the rest.

Again, it is often complained of as one of the saddest features of the constitution of society in the rural districts, that the class of yeomanry has died out; that there is no longer any intermediate connecting link between the mere labourer and the large farmer—no class somewhat above his own, into which, by industry and frugality, a labourer can hope to rise; that if he makes savings, they are less a benefit to him than a burden and an anxiety, from the absence of any local means of investment; unless indeed by becoming a shopkeeper in a town or village, where an additional shop is probably not wanted, where he has to form new habits, with great risk of failure, and, if he succeeds, does not remain an example and encouragement to others like himself. Is it not strange, then, that supposing him to have an opportunity of investing this money in a little patch of land, the Stamp-office would interfere and take a toll upon the transaction? The tax, too, which the state levies upon the transfer of small properties, is a trifling matter compared with the tax levied by the lawyers. The stamp-duty bears some proportion to the pecuniary amount; but the law-charges are the same on the smallest transactions as on the greatest, and these are almost wholly occasioned by the defects of the law. There is no real reason why the transfer of land should be more difficult or costly than the transfer of three per cent stock, except that a trifle more of description is necessary to identify the subject-matter; all the rest is the consequence of mere technicalities, growing out of the obsolete incidents of the Feudal System.

A great part of the revenue of the country is raised by imposts which stand directly between the labourers and their essential comforts. The window-tax operates to deprive them of light; the excise on soap is a tax on cleanliness; the duties on bricks and timber render building expensive, and directly counteract the attempt to improve the dwellings of the poor. The duty and port dues on coal, exacted by the corporation of London, aggravate, to the inhabitants of the metropolis and surrounding districts, the most distressing of the physical privations incident to poverty.

Many of the removable causes of ill health are in the power of Government; but there is no need to enlarge upon a subject to which official Reports have drawn so much attention. The more effectual performance by Government of any of its acknowledged duties; the more zealous prosecution of any scheme tending to the general advantage, is beneficial to the labouring

classes. Of schemes destined specially to give them employment, or add to their comforts, it may be said, once for all, that there is a simple test by which to judge them. Is the assistance of such a kind, and given in such a manner, as to render them ultimately independent of the continuance of similar assistance? If not, the best that can be said of the plans is, that they are harmless. To make them useful, it is an indispensable condition that there be a reasonable prospect of their being at some future time self-supporting. Even upon the best supposition, it appears to us that too much importance is attached to them. Giving education and just laws, the poorer class would be as competent as any other class to take care of their own personal habits and acquirements.

The plans of a more ambitious kind, having in view the alleviation of poverty on a considerable scale, are principally two—the Allotment System, as it is commonly called, and Colonization. The last of these is too complicated a subject, and involves considerations too special, to be properly introduced as a subordinate branch of a more extensive scheme. We may say here, that from it we do expect considerable benefit. Like the other projects, it is only a palliative; but of all palliatives it is attended with the fewest drawbacks, while it far surpasses all others in the measure of its efficiency. With this observation, we reserve the topic for separate treatment.

The Allotment System is brought forward in two different shapes. In one, it consists in attaching to every labourer's cottage a small patch of garden ground. This form of the system is worthy of all commendation; subject, however, as before, to the condition, that the ground be not given in alms, but, ultimately at least, paid for at a fair value. That every labourer should desire a garden, and should not be content without it, would be a point gained. It would raise the labourer's standard of comfort. A garden is itself a comfort, and a badge of comfort. It is also an ornament, and the ornamental is sometimes no contemptible part of the useful. It makes home more pleasant, which, again, tends to improve the labourer's conduct towards those who share it with him. Much more might be said of the beneficial influence of cottage gardens. Nor needs this benefit be confined to the rural population. The author of the 'Claims 'of Labour' has some useful remarks on the value of garden allotments to the mechanics of towns; and combats, not without success, the objections arising from considerations of space and locality. He does not seem to be aware of the extensive experiment which has been made of his system in the important

manufacturing town of Nottingham. We learn from Mr Howitt,* that there are in the outskirts of that place upwards of five thousand gardens, averaging four hundred square yards in extent; less than a tenth of an acre. The bulk of these 'are occupied 'by the working class. A good many there are belonging to the 'substantial tradesmen and wealthier inhabitants; but the great 'mass are those of the mechanics. These lie on various sides of 'the town, in expanses of many acres in a place, and many of 'them as much as a mile and a half distant from the centre of the 'town.' The description of these gardens we subjoin in a note.† The taste, he says, 'seems to have grown up originally of itself, 'and then, exciting the attention of speculators, has been ex'tended to its present growth by them. The mechanics there 'have not their gardens at a cheap rate. They all say that 'they could purchase their vegetables in the market for the 'amount of their rent and incidental expenses; but then they

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* *Rural Life of England*, p. 500.

† 'Early in spring—as soon, in fact, as the days begin to lengthen, and the shrewd air to dry up the wintry moisture—you see them getting into their gardens, clearing away the dead stalks of last year's growth, and digging up the soil; but especially on fine days in February and March, are they busy. Trees are pruned, beds are dug, walks cleared, and all the refuse and decayed vegetation piled up in heaps; and the smoke of the fires in which it is burnt, rolling up from many a garden, and sending its pungent odour to meet you afar off. It is pleasant to see, as the season advances, how busy their occupants become; bustling there with their basses in their hands, and their tools on their shoulders; wheeling in manure, and cleaning out their summer-houses; and what an air of daily increasing neatness they assume, till they are one wide expanse of blossomed fruit-trees and flowering fragrance. Every garden has its summer-house; and these are of all scales and grades; from the erection of a few tub-staves, with an attempt to train a pumpkin or a wild-hop over it, to substantial brick houses, with glass windows. . . . . The amount of enjoyment which these gardens afford to a great number of families, is not easily to be calculated. . . . . You meet them coming home, having been busy for hours in the freshness of the summer morning in them, and now carrying home a bass brimful of vegetables for the house. In the evening, thitherward you see groups and families going; the key which admits to the common paths that lead between them is produced; a door is opened and closed; and you feel that they are vanished into a pure and sacred retirement, such as the mechanic of a large town could not possess without these suburban gardens.' 'What a contrast,' Mr Howitt adds, to 'the alehouse; the drinking, noisy, politics-loving alehouse, where a great many of these very men would most probably be, if they had not this attraction.'

'get the health and the enjoyment, and their fruit and vegetables 'are so fresh. . . . . These gardens let at from a half-'penny to three-halfpence per yard; which, averaged at three 'farthings, make a rental of L.1, 5s. per garden. . . . . 'Thus it is evident, that any person willing to promote the taste 'for gardening in the neighbourhood of towns, might double, in 'many instances, the ordinary rent of the land, and yet let it 'in gardens at half the price of these Nottingham ones.'

But the salutary influence of the possession of a garden upon the labourer, depends upon his possessing it as an enjoyment, not as a means of subsistence. Very different, however, is the theory of those who urge allotments as a great measure of social improvement. They mean that the grounds are to be cultivated as a source of profit, to eke out the scanty wages of the agricultural labourer. And they bring a cloud of witnesses to vouch for the benefits of the system in stimulating industry, reforming vagrant habits, and keeping unemployed labourers off the parish.

That the plan, when zealously taken up as a work of philanthropy by influential persons, may have done some temporary good, and may yet do more, even upon the minds of the people, we are not inclined to deny. Any pet project of the great man or men of the neighbourhood usually succeeds for a time; any mode whereby the rich show interest in the well-conducted and industrious poor, and busy themselves to find employment for them, is likely to have some good effects. We admit also that for a time, perhaps even for a whole generation, this system may lower the poor-rates; though it is, indeed, a poor-rate of another kind; but tending, as it does, to augment the gross (though not the surplus) produce of the soil, it makes the labourers themselves produce by their labour the fund devoted to their relief.

Our objection to it is the same as to all the other modes of relief in aid of wages. Every shilling which it bestows as a supplement to wages, it subtracts from the wages themselves. There is nothing in the plan of renting half an acre or an acre of land to each cottage, which tends to raise the standard of living among the people, to increase their requirements, and make them unwilling to live unless a high scale of comfort is provided for them. By giving them an extra means of support in addition to wages, you merely enable them to exist upon still lower wages than before. You reduce even that wretched minimum of wages which corresponds to the minimum of subsistence, and which is practically imposed by the support afforded in the workhouse. Wherever there is already an excess of labourers above employment, the reduction of wages will be immediate; wherever

there is not, a surplus will speedily grow up. We could name a parish in which, during the last few years, by the well-meant exertions of the incumbent, the system has been brought largely into operation, and where the consequence is already a reduction of wages beyond all previous experience. There will be nothing to hinder a population of paupers of this description from increasing with all the rapidity of America or of Ireland. What is Ireland but the allotment system made universal? Why are wages in Ireland less than sixpence a-day, but because every labourer has his allotment? In the next generation each man of the augmented population will be an additional candidate for a bit of ground; as their wages fall, they will be thrown more and more upon the allotment for support; and the land will be delivered up to a cottier peasantry and their Irish potato-gardens.

We by no means intend to undervalue the importance of an intermediate class of labouring people connected with the land. We are at the furthest remove from any such opinion. Under some form we believe a class of yeomanry to be essential to the wellbeing of a state. We believe them to be among the happiest portions of the human race. Calling no man master, and free from all anxiety about a livelihood, they keep constantly before the eyes and minds of the other peasantry a superior status, into which, by frugality and good conduct, any of them may expect to rise. But people who rent little bits of land as tenants-at-will, are something very different from a yeomanry. We cannot here attempt any discussion of the grave questions connected with the size of holdings and the tenure of farms. It may be that in France small holdings do not produce over-population. But in France the small holder is generally the proprietor. After payment of a fixed land-tax, the remainder of the produce is his own. A peasant proprietor has inducements to prudence and forethought, which the holder of an allotment has not. He has a status which he is unwilling to lose. And, though there may be an illusion about the effect of over-population in lowering wages, there can be none about the insufficiency of a given piece of land to maintain twenty persons in the same abundance as ten.

Again, in Lombardy and Tuscany small holdings may not have been found incompatible with good agriculture. But there, too, the small farmers are not holders of allotments. They are universally *métayers*. The custom of the country ensures them fixity of tenure, and the landlord supplies the stock, receiving, in kind, half the produce. It is very true that this tenure would not encourage a capitalist to expend money in improvements. But the tenant is not a capitalist; he is a labourer. As such,

the system affords to him considerable motives both to industry and providence. The labourers are really partners with the land-owner, and have the feelings of joint ownership. They work for themselves no less than for their wealthier associate. The more they work the more they gain.

It is the Irish system, and not the system of France or of Italy, that the allotment plans of our philanthropists are tending to introduce. It might be supposed, indeed, that the allotment tenant, paying a fixed money rent, would be still more dependent upon his own exertions and frugality than the *métayer;* since his landlord does not go shares with him either in the benefit of his labour, or in the loss occasioned by his idleness. And this is true of capitalist farmers, (at least where they have any permanence of tenure;) but not of labourer-farmers. With them the only effect is to bring the population principle to bear directly upon rent, instead of upon wages. As in Ireland, the competition, being not for profit but for life, induces the cottier to promise rent beyond what he can pay and live. Whatever, then, may be his industry, or whatever the numbers of his family, his condition can neither be worse nor better. So long as he is not ejected, his children will not starve; the landlord can only take what they do not consume; and the peasants multiply not at their own expense, but at that of the foolish, penny-wise landlord. And it is with the example of Ireland before us, and where the evils which an allotment system has there nurtured, strike all eyes;—at the very time when our statesmen are struggling, almost against hope, to find some new contrivance for keeping society together, under the destructive effects of such a social arrangement;—it is in the face of all this experience, that our gentry are running wild to introduce that system as an infallible specific for the far less formidable social evils of our own country.

ART. VIII.—1. *Fragment on the Church.* By THOMAS ARNOLD, D.D. 8vo. London: 1844.

2. *The Rubrics and Canons of the Church of England considered.* By CHRISTOPHER BENSON, M.A., Master of the Temple. 8vo. London: 1845.

PRESENT appearances have once more set people on discussing the advantages and disadvantages of a Religious Age. To be born in one ought, surely, to be a great blessing. Yet the passions of mankind have often made it the reverse. Nor is this the worst. When one age has been made unhappy by excesses in that direction the next has been made still more so, by the uncontrollable reaction which is the natural punishment of extremes. If fewer austere Puritans had thrown a gloom over the Whitehall of Cromwell, fewer *deboshed* courtiers would have made infamous the Whitehall of Charles II.

According to Varro, the religion of the Heathen world was threefold: Mythological for poets, Natural for philosophers, Civil for statesmen. To its prodigious influence on life, when it was tolerably well directed, Cicero is a more than unsuspected witness. After observing that the Romans were inferior to other nations in several particulars, he confesses himself unable to account for their general superiority over all, except from the superiority of their Religious character. Christian philosophers have not adopted the methodical divisions of Varro. But some parts of Christianity bear more immediately on human nature than others. And it would be strange, indeed, if we could not take the same distinctions, and draw the same presumption in favour of its elevating influences, as Cicero took and drew with regard to the religious persuasion of his countrymen. Of the general rule we have no doubt. The difficulty is in applying it. For even Christianity may be perverted and disguised by false forms and false proportions—by falsehood of doctrine and falsehood of spirit, until it becomes a question, which evils are the greatest—the evils of superstition or the evils of unbelief. Short of this, there will be cases of all shades and colours. Every stage towards it is a question of degree.

We have a high opinion of the sagacity of Mr Canning and Sir Walter Scott, and we see no reason to doubt the integrity and intelligence with which they made their observations upon our earthly heavens. They read there signs of change, perplexing families and monarchs—the stars fighting against Sisera. They appear, in consequence, to have prognosticated for the genera-

tion that was coming on, trials which they themselves had only known of by history. It is now some years since Sir Walter Scott took fright at the embers of the covenanting spirit which he fancied he saw warming again in Scotland. When he warned his friend, the 'Ettrick Shepherd,' against marrying what serious people mean by a religious wife, the author of 'Old Mortality' was probably chiefly thinking of the effect this spirit had produced upon our domestic manners. About the same time, Mr Canning was expressing similar fears respecting England. The dangers to which the statesman would be most alive were naturally the probability of disturbance to the public peace. If these acute observers were on earth at present—looking out, not merely on an overcharged and troubled sky, but marking where the lightning had in part already fallen on our social fabric—would they be more at ease?

The exact form which our religious troubles have taken, is more than they can have anticipated. The points principally in dispute among us have as yet been rather ecclesiastical than theological; and are likely to continue so. But the consequences are much the same. So much so, that these prudent persons could not on that account have thought more lightly of any of the dissensions by which either Scotland or England have recently been affected, or which may be yet in store for us.

In the year 1835, it was averred by Mr Dick, an able writer on 'Church Polity,'* that one-half of the civil disorders of Scotland were owing to its Church. That Church has since been torn asunder: and many a parish, and many a household, divided against itself. A large proportion of its most eminent ministers has seceded, and their people with them. The representatives of Knox and Melvill have resigned their livings by hundreds; and their congregations have followed them into Free Churches. Can we be wrong in thinking, that but for the spirit at which Sir Walter Scott had been alarmed, reasonably or unreasonably, the particular controversies between the General Assembly and the Legislature never would have been brought to this fatal issue?

The same with regard to England. Its Church presents, materially and bodily, a yet unbroken front. It is, however, next to impossible, after what has passed, that the elements of discord, which have long been smouldering in it, should peaceably subside. Its High Churchmen fondly thought their time was come. Having beat off the Dissenters, they conceived that the religious temper of the age might be turned to good account, and the faded glories of a Priesthood be revived. As usual, the mis-

* *Dissertation on Church Polity.* By A. C. Dick, Esq., Advocate, 1835.

chief began at Oxford,—Oxford—whose evil influence 'has been 'tried, and not found wanting, through the vicissitudes of a thou-'sand years.' The new (or, if they like it better, the old) religion, as nursed and hatched at Oxford, was a serpent, and could only creep. The Bishops laid their hands on it—and it got dragon's wings. For months together, the dioceses of London and Exeter have had all the interest of a seat of war. The middle classes had a stout battle to fight there. They have fought it, and have won it. A narrative in the style of Boileau's 'Lutrin' or Butler's 'Hudibras,' should commemorate the victory. Whether the victorious congregations are to return to a willing obedience, or to a litigious one, will probably very much depend upon the conduct which their pastors may pursue. We remember hearing, a few years back, of a sermon by a Mr Mountain. There was a derivation in it of the word *laity*. It came, it was said, from the laity being to be *led*. The sanguine Etymologist will scarce insist upon his derivation now. But what a passage are these late transactions in the history of Churchmen, swelling with the conceit of apostolical succession! Within and without, is written in golden letters the great commission—'Feed my sheep.' Notwithstanding which, the fold has been teazed and worried by the shepherds, until it has broken out into open insurrection. Nor could peace be restored in it on any other terms, than by the shepherds submitting to retread their steps, under the guidance of their sheep. Meantime, more than one Bishop has been reverting to the great religious war which ended in the English commonwealth. It was a mild, but yet a painful martyrdom for their ejected order, when silenced Episcopacy had to beg for that 'liberty of prophesying,' which, but a little while before, it had refused to others.

The devout and ardent Dr Arnold was in his grave before the commencement of these diocesan campaigns. How little can he have expected that the mongrel Romanism, against which he prayed as against a daily poison, should have so suddenly and so rashly thrown itself into collision with the plain honesty of the middle classes, and have been broken to pieces, like a potter's vessel, by their good feeling and good sense! What a rapid practical termination to the pretensions of the Priesthood! What a summary and complete refutation of all denials of the right of private judgment, and of the right of laymen to a portion in the government of the Church! These were the trying questions, which Arnold saw a-head, clothed only (as he saw them) in a more argumentative and learned garb. 'Is it not strange (he asks) that the 'Guelph and Ghibelin controversy should be again reviving—as 'in fact it is—and the greatest questions of our days be those which 'touch the nature and powers of the Church?' Here, indeed,

are comprised nine parts out of ten of all that a wise man will much care about in the difference between the Vatican and Lambeth—a difference, however, so serious, that, as often as it was brought back from the dust of libraries to mingle in conflict among the thoughts and feelings of contemporaries, Arnold appears to have believed it could be adjusted by no other arguments than the fagot and the sword. He would not otherwise have thought it necessary to startle us from our sleep, as with a trumpet, bidding us hold ourselves prepared. 'Notwithstanding his favourite dream of one visible Church—not only for the three kingdoms, but for all Christendom—he was obliged to acknowledge, that there were Christians who maintained principles in eternal opposition with each other, and who were beginning now to feel their principles, and to act upon them. There was no saying, therefore, how soon we might be called upon 'to realize 'the histories of the old martyrs.' If such are among the promises and prospects of a Religious Age, it is high time, no doubt, to be looking about us.

We are old enough, and calm enough, and stand sufficiently aloof, to have no other object in the judgment we may form upon these subjects, than an earnest desire for the truth, the whole truth, and nothing else, in all its true dimensions and true colours. From what we have said already, we shall not be suspected of being over sanguine in our expectation of the complete and final triumph of charity and reason, wherever people are of opinion that religion is concerned. That we have seen neither the last nor the worst of ecclesiastical dissensions, is not merely highly probable: it is reasonably certain. Notwithstanding this, a broad margin may be left for dissensions; and we may yet stop short of martyrdoms and religious wars. Our confidence reposes upon the solid basis of the Toleration Acts. They cannot save us from all annoyance and disquiet, from the dust and smoke of bigotry; but they are perfect, as a safety-valve, against national explosions. A fact which the best men of the Middle Ages, and even of the Reformation, would have deemed incredible, has been verified by succeeding generations. Commonwealths, composed of men of different beliefs, are now prosperous and happy; and have not only more peace, but more religion. The taunt against 'an Amster-'dam of all religions,' has become a first principle. The last two centuries have not perhaps been fertile in very great men; but their rational liberty and tranquil civilization have done infinitely more for our security against superstition and fanaticism, than had been previously accomplished, during many hundred years, by genius and virtue, in all their noble efforts to make fanatics wise. Every age has its own trials. Ours

will have no lack. It may possibly be a part of them, that its religion shall be turned from peace and joy, into gloom and bitterness and contention. But it is not possible, that among our trials will be the sight of orthodox fires lighted up at Smithfield, or of controversial bayonets crossing each other at Edgehill or Bothwell Brigg.

The probability of a religious age being succeeded by an irreligious one, is a separate evil. It is, of course, best guarded against by guarding against the first excess; since the space the pendulum swings forward, determines the space it will swing back. But we are not without hopes that the great principle of toleration—the only moral discovery left for modern times—may save us from this scandal. It has already put down the worst form of religious excess, by casting out the incarnate fiend of religious persecution. It may possibly be found still more effectual in restraining that reaction which the zealots of former days successfully provoked. Many of the more innocent forms of religious extravagance will flourish, as before, by the side of civil and religious freedom. Yet it is not at all unlikely that civil and religious freedom, and the love for them, which grows up under them, may prevent the reaction which might have otherwise ensued. The example of America encourages us to hope so. New England, and other parts of the United States, were planted in fanaticism. Nevertheless, there has been no interval of scepticism or profligacy between the bigotry of the Pilgrim fathers, and the earnest belief of the hundred sects who are living there in peace at present. We do not perceive that this exemption from the ordinary penalty of all extremes, is to be accounted for upon any other grounds than those upon which M. de Tocqueville accounts for an unanimity, a fervour, and a charity, in the religion of America, which he had not met with elsewhere in Christendom. He found a people there more united by religious feelings than separated by religious dogmas; and still believing, as their forefathers had believed before them, that there was an indissoluble connexion between the interests of religion and the interests of freedom.

It is one of the misfortunes of Establishments, intrenched behind Endowments, and bristling with Articles and Confessions, that, sooner or later, offences, ecclesiastical as well as theological, certainly must come. And though no reasonable person can say off-hand—'Woe unto those through whom they come:' yet a grave responsibility must ever rest with the parties who bring them on. It must be presumed that they have carefully examined the value of their innovations, or the grounds of their

discontents, and have satisfied themselves that the risk of periling their Establishment is the least of two evils. There may be abundance of such cases. Each will stand on a moral necessity of its own. The higher the degree and nature of that necessity, the higher, of course, will be the justification and the glory of all who obey its call.

The two cases before us—the Scotch and English schisms—differ in their character and in the points at issue. The differences are naturally characteristic of the two Churches—Presbyterian and Episcopal. In both instances, the parties principally responsible for the recent agitation, are persons representing the extreme principles of their respective systems. The responsible party in Scotland has been that of the ultra-Presbyterians. By the theory of their Church, they recognise no other Headship for it than that of Christ, and they claim for the Church itself a formidable independence. Yet they have manifested no desire to make a mystery of their order, and magnify its privileges; they entertain (as of old) an almost republican fellow-feeling with the people; and, in the last resort, they go no further for the real living and visible authority in their Church, than to the body of the people in communion with it. The responsible party in England has been that of the ultra-Episcopalians. Nominally members of a Church of which the supreme civil magistrate is the undoubted Head, they are, nevertheless, ambitious of making themselves into a mystery and a power—are for bringing men back under the ceremonial law of words, and forms, and rites—and are not only for separating the clergy from the laity, but for drawing a broad impassable line between them. They have plainly set their hearts on changing the whole relation between themselves and their congregations;—from the true moral relation of the teacher and the taught, into a dry spiritual dependence of the whole body of the people upon their sacred order, as on an order of Levites or of Bramins in the Church of Christ.

The only point which these extreme parties—the ultra-Presbyterians and ultra-Episcopalians—hold in common, is the high ground which they severally take for their respective Churches in relation to the State. The two Churches strive alike for inconsistent advantages. They both would willingly be National Churches, and be arrayed in the vestments with which the State provides its servants; while both also affirm that the Bridegroom himself has given them a wedding garment, the sanctity of which must not be soiled by waiting upon human legislatures with suit and service. We are as desirous as any well can be, that a government should go great lengths in reverencing the consciences of its citizens, whether it be the conscience of an

individual as a private person, or his corporate conscience as member of a church or of any other society. A National Church has a further claim, not so sacred a one, but still plain and intelligible. The State, by which it has been adopted, is bound to treat it with all the consideration and respect which may best enable it to fill the station to which it has been raised, and to discharge the duties which we must suppose to be assigned to it. But, having wisely prescribed the conditions of adoption, the State must afterwards hold its own. Demands may be made in the name of conscience and of honour, on behalf of public bodies as well as of private persons, which no just and enlightened people can concede. Mr Hallam has very properly reproached the General Assembly of Scotland with the folly of keeping up the forms and language of the sixteenth century. He has bade it remember, 'that the supremacy of the legislature is 'like the collar of the watch-dog, the price of food and shelter, 'and the condition upon which alone a religious society can be 'endowed and established by any prudent commonwealth.' That there can be no freedom in the sense in which Voluntaries and Nonjurors speak of freedom, except in a Free Church, is a verity concerning which nobody can be mistaken any longer, at least in Scotland. The contrary notion was comparatively harmless in an institution, into which and through which lay blood and lay opinion freely flowed. There was great excuse, too, to be made for it, in consequence of the contradiction between the principles which were predominant on the first establishment of Presbyterianism at the Reformation, and those which were most prevalent on its subsequent restoration at the Revolution. We most sincerely grieve, therefore, that so many men, worthy of all praise, should have been deceived by the traditional language of the Church of Scotland to their almost worldly ruin. On the other hand, we must ask the Oxford clergy to remember that Mr Hallam's reproachful warning applies equally to all. The notion is neither harmless nor excusable in the Church of England, with its more clerical constitution, and its more consistent history. In case the Tractarian authorities, with the help of Mr Gladstone, should succeed in persuading their Anglo-Catholic divines to equivocate with their consciences, brave the public, and baffle the legislature, *the principles and idea of their Church* may secure them in their temporal interests. That is true. We only hope that their Church, in that case, may prove equally efficacious in securing them in their eternal.

The Secession was grounded upon a supposed denial by the Legislature of the spiritual independence of the Church. This question might have remained dormant for another hundred years

in Scotland, but for the unlucky interests of private patrons. By this time Lord Kinnoul himself is probably of opinion, that the country has paid a heavy price for the maintenance of his right to force a minister upon the parish of Auchterarder. On the other hand, if the proposers of the *Veto* could have foreseen what has taken place, they would probably have never brought it forward. But no persons had ever greater reason to believe that the law was on their side. In asserting the independence of the Church, they knew what was Scottish History; they were told what was Scottish Law. Before they could, by possibility, discover their error, they were compromised beyond retreat. That the policy of any form of popular election is very questionable, as a general proposition, is universally admitted. Nevertheless, we have only to suppose that the *Veto* would have retained the late seceders within the Church, and perhaps might have recalled others, and the friends of Establishments can scarcely suggest a case in which the experiment would be more worth trying; for the same principle necessarily applies to a part as to the whole. And we at least cannot doubt, but that the restoration of Presbyterianism at the Revolution was wisely grounded on the express statutory allegation, of 'its being agreeable to the inclinations of the people.' After the turn which things have taken, the public now can only look for compensation from the large scale on which the Free Churchmen are attempting to carry out their scheme of church-extension. It is an experiment, too, by which we shall learn in time what can be made of Free Churches, as a half-way house between a National Establishment and a purely voluntary system.

The cause of the Ultra-Presbyterians was the cause of the people from the first. Wisely or unwisely, such was its tendency and aspect. Right or wrong, the most popular among the ministers took it up, and made it theirs. On the contrary, the cause of the Ultra-Episcopalians has been all along the cause of the clergy, and with the exception of a few such laymen as Mr Gladstone, (*plus royalistes que le roi,*) of the clergy only. Whatever else they may be ignorant of with impunity, a clergy ought to know something of the people with whom they have to deal. Up to the eleventh hour the Anglo-Catholics imagined they were carrying the people with them! If the feeling in which this crusade against Protestantism originated and made way, had been an honest religious feeling, we hope we should have made full allowance for what we must still have thought its errors. But the case, as it stands, is the case of Laud and the Nonjurors over again, with less provocation and less excuse. It is the case of men who, in possession of the substance, have been willing to risk the loss of it,

in their anxiety to become masters of the shadow also. A knot of clergymen—the Hickses and Dodwells of our day—gathered together at Oxford with the declared object of uniting the Church against the Dissenters and the Whigs. The University was just the place they wanted for a manufactory of novices and tracts. In their hands, it soon became a seminary for transforming the Anglo-Catholic Church (as they have preferred calling it) into a mere Priesthood. For the last ten or fourteen years, the best part of its resident zeal and talent has been occupied in ascertaining how near a clergyman of the Church of England may approach to being a Roman Catholic, without incurring the disagreeable necessity of avowing himself to be one. With a few respectable exceptions, they continued their membership with the Church of Cranmer and of Jewel, which glories in the title of Protestant and Reformed. Yet they repudiated the Reformation, both in letter and in spirit; abjured the name of Protestants and Reformers; and, while they scoffed at Luther, raised literary altars to legendary saints. The English public looked on for awhile, patient and puzzled; caring little what the clergy might be doing in their studies, as long as service in the churches went on as usual. Meantime, indifference was mistaken for approbation, or at least submission; and English High Churchmen, all the time, kept constantly ascribing the contemporary embarrassments of the Church of Scotland to its want of Bishops. A singular doctrine for the countries of Archbishop Laud and Archbishop Sharpe!—countries in which Episcopacy had so mismanaged its affairs, as to ruin for a time not only itself but the Monarchy as well.

But this part of the controversy was soon to be set at rest. The rash Diocesans of London and of Exeter suddenly appeared upon the field. Burning lights, but more solemn warnings; ignorant of the feeling of the middle classes, or defying it; loving power, but incapable of the self-guidance and self-control by which power is best secured; adorned with a diversity of talents, but wanting that most necessary one called so falsely common sense; ever busy, doing or undoing—issuing to-day, in spite of reason and remonstrance, orders which physical resistance, active or passive, obliged them to retract to-morrow;—they tore up by the roots the principle of authority and the habit of obedience, and have involved themselves and their Clergy in a cloud of discreditable contradictions, more destructive of public confidence and self-respect than if they had been hooted at in the streets. From the Bishop of London we would willingly have hoped for better things. We honour a Bishop who is no Nepotist, and despises money. As for the character of

Dr Philpots, nobody need care about that until he shall have shown some care for it himself. The buying off his opposition to Catholic emancipation with the Bishopric of Exeter, has been one of the great scandals of our time—scandalous to the persons buying, and scandalous to the person bought. What, then, were we to expect? Impossible to say what; but certainly something clever, versatile, and mischievous. Our expectations have been fulfilled. Lord Bacon has noticed it as among the principal causes of divisions and defections in the Church, that its fathers and leaders should lose their light and wax worldly; that there should be among them any against whom the Supreme Bishop hath not a few things, but many things; any that have lost their first love; any that are neither hot nor cold; any who has stumbled too fondly at the threshold, in such sort that he cannot sit well that entered ill. '*Then, men grope for the Church as in the dark.*'

The Church of England has lost caste and confidence by these late transactions. Yet it can scarcely be imagined that it ever intended to claim for itself, or for any similar institution, the attribute of infallibility. For upon this point, under any canon of interpretation, natural or non-natural, there can be no mistake concerning the meaning of one of its Articles. We refer to the Article which affirms that the very Church of Jerusalem, along with the other famous Churches, all have erred. A more direct admission of their being mere human institutions (whatever language to the contrary we may sometimes have to hear) cannot easily be conceived.

Locke's definition of a Church, indeed, is good enough for us. '*A Church* I take to be a voluntary society of men joining themselves together of their own accord, in order to the public worshipping of God in such manner as they may judge acceptable to Him, and effectual to the salvation of their souls.' The co-operation and union, the sympathy and help, on which Arnold dwells so much, as being the characteristic virtues of a church, will naturally follow, more or less, from a common worship. *A National Church* adds no other circumstance than the fact, that, to be properly so named, this voluntary society must really comprehend the nation. Where this is not the case, its name is a misnomer, its privileges a usurpation. When this is the case, we have no objection to Hobbes's definition of a Church, or to Arnold's merging of Church and State in one, except for the opposite consequences the authors of them may draw.

In classing the Churches of the Three Kingdoms, we have been accustomed to consider the Church of Scotland as really national; that of England as semi-national; that of Ireland anti-national.

We assumed, accordingly, that a Scotchman, an Englishman, and an Irishman, would probably look at them with corresponding feelings.

A few words will suffice for the National Church of Ireland. During the debates on the humble proposal of the Whig Government for regulating the Irish Church, it was christened by Mr Gally Knight the 'Monster Church.' Its position is so truly monstrous—so much more like that of an Ecclesiastical garrison than a National Church, that it would be ridiculous to stop and criticize it. Nobody ever thinks of it as a National Church; nobody can defend it on the principles on which any other National Church that ever existed was ever deemed defensible, or ever was defended; nobody can open a rational book on Church establishments, without finding the arguments in their behalf proceeding, from first to last, upon facts and reasonings by which the Church of Ireland stands utterly condemned. Practically, too, it has done as little for the Protestant religion as for the Protestant interest and the Protestant ascendency. Both the Protestant religion and the Protestant interest would have been in an infinitely sounder state if it never had been heard of. We long have wondered how any man, with adequate notions of the nature of a Church, can have reconciled it to his conscience to unite himself in membership with, still more to accept preferment under, so unnatural an institution. Less, if possible, is to be expected from it now than in the good old times, when it was often used as a middle term—something between an honourable exile and a penal settlement—for many a man less worthy of promotion in any Church than even Swift. The evil is a growing one. During the first half of the last century, the Pope had a capital ally in Protestant penal laws; during the latter half, and down to our own time, in Protestant political exclusion. There still remains for him the Protestant Church Establishment—almost as effectual an assistant, from the sense of indignity and scorn belonging to it. It may not positively make Catholics; but we have not the least doubt but that it prevents conversions. Were it to last, by any possibility, another hundred years, is there a man alive who believes that of itself it would have brought over a hundred converts, nominal or real? Occasional converts to Master's Caste are quite another thing.

Every year the growing numbers of the Roman Catholic population make the sight of it a more preposterous spectacle, and the thing itself an infinitely more dangerous experiment. Yet what are we to do? Burke said, he would never have despoiled the Roman Catholic population of its Church property in the first

instance. But since the crime or blunder had been committed, he seems to have thought that there was nothing left for them but a Voluntary Church. After dissuading the Irish Roman Catholics, in language as earnest and vehement as O'Connell's, from letting their priests become pensioners on the Government, he declares: —'I wish very much to see, before my death, an image of a 'primitive Christian Church.' With little improvements, I think 'the Roman Catholic Church of Ireland very capable of exhibit-'ing that state of things. I should not, by force, or fraud, or 'rapine, have ever reduced them to their present state. God 'forbid! But being in it, I conceive that much may be made of 'it, to the glory of religion and the good of the state.' Of the Protestant Establishment he adds, faintly and despondingly, 'If the other was willing to hear of any melioration, it might, 'without any strong perceptible change, be rendered much more 'useful.'—A. D. 1795.

Fifty years pass on; and we have Arnold calling for the establishment of the Roman Catholic religion in three-fourths of Ireland. 'The Christian people of Ireland, (says he,)—*i. e.* in my sense of the word, the Church of Ireland—have a right to have the full benefit of their Church property, which now they cannot have, because Protestant clergymen they will not listen to. . . . The Irish, being a Catholic people, have a right to perfect independence, or to a perfectly equal union. If our conscience objects to the latter, it is bound to concede to them the former. . . . . Those who think that Catholicism is idolatry, ought, on their own principles, to move heaven and earth for the Repeal of the Union, and to let O'Connell rule his Celts their own way. 'I think that a Catholic is a member of Christ's Church just as 'much as I am, and I could well endure one form of that 'Church in England and another in Ireland.'

We are as convinced as of our own existence that there can be no peace for Ireland—or for England in connexion with it—no real Civil Union between the two Countries—until the nominal Union between the Church of England, and what only a parrot or a mocking-bird can call the Church of Ireland, has been dissolved. If the Irish Church were merely a failure, a pure waste of the national funds for religious instruction—that would be bad enough; but, from all we hear of it, it is so much money spent, and successfully spent, in the interest of the Spirit of all Evil. It has succeeded to perfection in provoking and in nourishing those antipathies which are destructive of the only religion that is worth having—the religion of good-will and peace—the religion which commands us to love our neighbours as we love ourselves. Some sixteen years ago, the Roman Catholic Dean of Cashel told Prince Puckler

Muskau—'We have scarcely such a thing as a Christian among 'us. Catholics and Protestants have one common religion—'that of hatred.' The Prelacy and Liturgy of Laud created once in Scotland a common religion of the same description. Repeat the provocation now; or, let the National Churches of England or of Scotland become as contemptible in numbers, be as invidious and as presuming, and we have no manner of doubt but that, at both ends of the island, Protestant could be brought to hate Protestant to the full as well.

There cannot be conceived a greater contrast to the Irish Church, than has hitherto been presented by the Church of Scotland. The one was re-established on the decisive averment, that 'it was agreeable to the inclinations of the people.' If States had consciences, the preamble for establishing the other would have, as publicly, recited directly the reverse. Mr Dick, the stanch advocate of the Voluntaries, acquits the Church of Scotland of having been accessory to any evils but such as are unavoidably generated by an establishment. The testimony of Adam Smith in its behalf, is not merely negative. In his chapter 'On Institutions for Religious Instruction,' he bears witness, that it had produced all the good effects, both civil and religious, which can possibly be supposed to be produced by any other. Among the foremost of those effects was that remarkable peculiarity of Presbyterian countries—the spectacle of the common people brought over, without persecution and almost to a man, to the Established Church. Here were to be seen a Clergy, poorly endowed, equal in station among each other, little raised above their flocks. But they were learned, respectable, and independent; and they exercised, generation after generation, an extraordinary influence over a pious and orderly population. Considerable mischief, according to Adam Smith, had followed for a season from the right of every parish to elect its pastor. But every thing was eventually set in order (the philosopher fondly hoped so) by the statute of Anne. This statute took away the right from the Parishioners, and gave it back to the original Patrons. What a little way can the shrewdest see before them, in the complications and the eddies of the minds of men! There can be now no question but that this statutory restriction of that popular liberty and spiritual supremacy, on which Knox had desired to build his Church, has since shaken the ecclesiastical system of Scotland to its foundation—a result which Adam Smith foresaw as little as Lords Brougham and Campbell can have foreseen, (when they were affirming the decree of the Court of Session in the Auchterarder case,) that Lord Aberdeen's Declaratory Bill so soon

would follow, affirm their own first popular out-of-door impression concerning the *Veto*, and trample their judgment in the dirt.

The problem on which the Church of Scotland has been rent in twain, is one of those problems which, solve it as we may, we shall have reason at times to fear that we have solved it wrong. The option between Patronage and Popular Election is an unavoidable dilemma, and though prudent regulations may moderate the evils, yet, under all possible regulations, it is only a choice of evils which can remain. The legislature which should give a preference to Popular Election, will be told by the followers of Adam Smith that it prefers a system which, wherever it has been in vigour, has been productive of nothing but disorder; and has tended equally to corrupt the morals both of the clergy and of the people. Burke laboured the same maxim in his correspondence with Dr Hussey:—'Permit no elec-'tions from within or from without. In very small churches, 'where a ruling mind or two puts the whole in order, nothing can 'be better than an election. But in great bodies it is pestiferous. 'Indeed, in great bodies it has been long disused, and to good 'effect. Otherwise, humanly speaking, the Christian religion 'could not have existed to this day.'—(A.D. 1795.) Such was Burke's protest in the case of a Church which, thought ruly national, was unendowed: in which, therefore, half of the undue motives which pollute the course of Popular Elections, sacred or profane, have disappeared. And yet, suppose every word of the testimony of Adam Smith and Burke to the dangers of Popular Election to be literally true, it by no means follows that the consequences of Patronage are not as corrupting, and that its abuses may not be at last as fatal. They are not less at the heart because they are less on the surface; and because, except in a few very flagrant cases, they eat their way, like a dry rot, comparatively in silence. On either system, the difficulties increase with the value of the endowments. Grievously then, however silently, must the yoke of Patronage be at present pressing upon the cure of souls in the rich Establishment of England! It is now sixty years ago since Paley, with all his moderation, could not refrain from publicly calling 'upon those, who had 'the ordering of such matters, to reflect how the converting 'the best part of the revenues of the Church into annuities for 'the gay and illiterate youth of great families, was starving 'out the little clerical merit that was left in the country.' This authoritative exposition of the real working of a system of patronage is very unlike the theory of endowments by Dr Chalmers. Nor will it agree one iota better with any other theory of the objects which any nation in its senses can possibly have had in

view, when it entrusted a Church with part of its revenues. Theories are unfortunately only theory—Paley's statement is the fact. The fact is an intelligible but mournful commentary upon a subsequent chapter in his 'Moral and Political Philosophy,' in which it is acknowledged that every rational defence of an Establishment must suppose the necessity of endowments, in order to secure an efficient and learned clergy! Burnet has printed Cranmer's unsuccessful protest against the stalls of Canterbury. It is much to the honour of his piety and foresight. The Church of England nowhere appears to so little advantage as in a Cathedral town. After a century of remonstrance and collision, the yoke of Patronage has at last been shaken off by half of Scotland in despair. Yet our humble benefices held out but few temptations to the jobber. Instead of 'annuities 'for the gay and illiterate of great families,' its most ordinary abuse would be, here and there, the quartering on the Kirk the half-paid dominie of some shabby laird.

There is no use now in speculating whether the late Secession might have been prevented; or whether the proposed control over the abuses of Patronage was a sufficient object for staking so much upon that unhappy question. The policy of an object may be doubtful. Yet our doubts need not prevent us from admiring the characters of individuals, and honouring them for the sacrifices they have made. Right or wrong, necessarily or unnecessarily, the Secession is accomplished. The position of the ancient Church of Scotland is become, in consequence, a position of difficulty and of peril. When we reflect how much more truly national it has been than the Church of, perhaps, any other country—how much of all that a Church can do it has done—that it has been her Church, more than any other thing, which has made Scotland what she is, and has given her a name among the nations—we cannot calmly think that it may one day have to take its place, side by side, with the Church of Ireland. May God preserve it for a prouder fortune than that of the sinecure Church of a small, though it may be a rich, minority! But any thing is better than an emptied and degraded Church. In case it should be destined to be borne down by the youthful vigour of its impetuous rival—a result which, however, we do not greatly fear—of one thing we are certain—it will not be replaced by any exclusive National Establishment. Neither the Presbytery of Knox nor the Prelacy of Laud will rise upon its ruins.

The Church of England is much more complicated in its nature and organization, in its position and its history, than that of Scotland. But it has one advantage. Its relation to the State has been always clear and definite. This is a point upon

which principle and practice have been both so uniform, that any difference of opinion on the subject can only be accounted for by ignorance or wilfulness. The Ecclesiastical Constitution of England was from the first plainly bottomed upon a Parliamentary title. Its Civil Constitution scarcely more so. Both exist, only 'as by law established.' In both, the supreme Legislature is in Parliament. In both, the whole judicial and executive authority are primarily vested in the Crown. When these three authorities—Legislative, Judicial, and Executive—are thus disposed of, what is there behind for any other claimant?

As long as the Church of England was a branch of the Church of Rome—a branch of that mighty tree by which the earth was overshadowed—the historical terms of its adoption by the State was a case for antiquarians; and not an easy one. The common canon law of Europe was not (as such) the canon law of England. Ecclesiastical laws were not received there as the Pope's, but as the King's. There were liberties and specialties in the Anglican as well as in the Gallican Church. Statute after statute occasionally interposed. But the line, as drawn by common law or statute, was unsteady and obscure, without either principle or rule. It followed whosoever's hand was uppermost in the scramble—Pope or King. Thanks be to God and Henry VIII., it is not so now. The terms on which the present Church of England was not only adopted by the State, but almost, if not altogether, constituted by it, may be easily learned, and by a plain man, without the help of any antiquary. The Statute Book, and Strype and Burnet, Collier and Lingard, will furnish us with all the facts and documents we can want. Edward VI. and Queen Elizabeth, with the sanction of their Parliaments, proceeded to build up an intelligible National Church on the national foundations which Henry VIII. and his Parliaments had laid. The means employed were often bad enough—force and fraud. But the work was carried on in broad daylight; and its principles were proclaimed from the house-tops. Some men undoubtedly were bribed, and many were intimidated. Yet we do not believe, from the day of the resignation of the seals by Sir Thomas More—or the day that a layman, the Lord Cromwell, sat in Convocation as its President, and Vicar-General of the Supreme Head of the Church of England—or the day of the passing of the Act, entitled, 'An Act, showing the Submission of the Clergy'—that any body can be said to have been deceived. The work was the work of years. It ended in the old Ecclesiastical Constitution being thoroughly broken up, and a new one erected upon its base. In the new one,

too many of the old materials may have been used, and too much of the ancient structure and elevation may have been retained. But its policy and its principles were all its own. Divines may amuse themselves with the fiction of a continuity of title. But, viewing the existing Protestant Church of England as a National Church, the break in its title is as complete as if the Mahomedan religion had been adopted in the place of the ancient faith. Several successive Parliaments were engaged on the construction of the new edifice. Being Christian assemblies —Protestant majorities legislating for a Protestant people—they of course established their new Church according to their new opinions.

The most important characteristics of a National Church are comprised in the supposition of an appointed Clergy, provided for out of public funds and teaching authorized doctrines. Since the Reformation every one of these particulars, without any distinction between discipline and doctrine, has been settled by the State. And why not? Before it legislates upon other subjects, as, for instance, on law, medicine, or military affairs, the general government ought, no doubt, to consult the persons whom it considers best qualified to advise it with reference to the subject-matter. We must suppose it to do the same in Church affairs. But, under these circumstances, it has never entered into the head of the lawyer, the physician, or the soldier, that their opinion was entitled to be regarded as any thing but advice. Clergymen, however, have got into the evil habit of imagining, that, from some supposed peculiarity in religion, or on account of some supposed privilege in their office or in their persons, they are entitled, in whatever regards the Church, to be considered as something higher than mere advisers. But the privilege to which they thus pretend, can never stand an instant where Protestantism has really been received; for the very corner-stone of Protestantism is the right of the people, directly or indirectly, to the substantive authority in the Church. It is mainly on this account that Protestantism, as commonly understood by simple folk, has gone out of favour with so many of the clergy. We know of no possible reason why the opinion of members of the clerical profession should be invested with more authority than is the case with the members of other professions; while, from the nature of the subject and from experience of the past, there may be many reasons why their opinion should have less. Lord Clarendon had found them such wretched counsellors to his royal master, that, in the bitterness of his heart, he left it as a warning for posterity, that Clergymen were the worst informed, and took the worst measure of affairs, of any class of persons who could

write and read. Nor were these idle words. It was as sincere friends of the Church, (in every sense of the word, large or narrow,) that in 1664, Clarendon being Lord Chancellor, and Sheldon being Archbishop of Canterbury, came to a resolution, as bold and singular in its way as the shutting up by Cromwell of a House of Commons he could not manage. By nothing more formal and constitutional than a verbal agreement between themselves, they transferred the right of taxing the clergy from Convocation to Parliament. They must have foreseen the consequences which followed. In little more than fifty years, Convocation had dropped out of the English Constitution. A Minister who should revive it now, would deserve to be impeached. We think we may trust our present Premier. The Provincial Synod of Bishops, which, according to the eighteenth chapter of the Reformation of the Ecclesiastical laws, Cranmer had meant to substitute for it, would not have succeeded much better; for the objection was not so much to a Lower House of Convocation, as to any purely clerical assembly.

The English Convocation was in fact an Ecclesiastical Parliament, composed in the worst spirit of Popery, and in its worst times;—an encroachment upon, but yet a part of, the civil constitution with which it was coeval: a compromise between the sacred Synod, which the clergy wished it to be regarded, and a regular third estate. For Edward the First had originally designed it to have been strictly a third estate, after what is called by Burnet Charlemagne's second model of the Church. Convocation was thus a very anomalous institution from the first. The Reformation came, and reduced it to be nothing better than a stage for the Clergy to expose themselves upon. It had just enough of life and passion in it to answer the high calling of a factious instrument for factious politicians. It had no real power; but it was a name to conjure by; and evil spirits would appear. Forms of things long remain in England after the substance is eat out; or it could hardly have been worth while to have kept up for a day the show and ceremony of an institution so worn out and decrepid, that Chief Baron Gilbert had observed of it—'Sometimes, indeed, the Lords, and sometimes the Commons, 'were wont to send to the Convocation for some of their body to 'give their advice in spiritual matters. But still this was only 'by way of advice. For the Parliament have always insisted 'that their laws, by their own natural force, bind the clergy; as 'the laws of all Christian princes did in the first ages of the 'Church.'

From the nature of things, a Religion cannot be made National but by the sanction of the supreme authority of the State.

The English people, it is true, took little part in the turns and fluctuations of the Reformation; so little, that the National Religion was put backwards and forwards four times within twelve years—each of these successive changes representing at the time little more than the will and pleasure of Henry and Edward, Mary and Elizabeth. Notwithstanding which, they were all, however, as constitutionally expressed, each and every one, as similar changes would be now. Whatever was done, was done by the omnipotence of King, Lords, and Commons. Meanwhile, if the body of the people were consulted little, the body of the clergy appear to have been consulted less. They must have been subjected, however, all along to the painful distinction by which an active obedience is distinguished from a passive one—a precise clerical subscription from a presumed laical assent. The Highest Churchman will scarcely venture on a peremptory denial of the public authority by which the Church of England was introduced into the realm. They are much more likely to have recourse to the shifts of pleading; and (as it is termed) *confess and avoid.* The real question, they may reply, is not so much the fact of adoption, as the terms. This is true. It was undoubtedly competent to the English nation to have excluded the people at large from all share in Ecclesiastical legislation, and to have consigned it entirely to persons in Holy Orders. Some persons have a pleasure in imagining that such is the case with the Church of England now. There is no proposition, however, in English history clearer than the contrary. If the Church of England had no other legislature than a purely spiritual legislature, it would be in the unhappy predicament of having no legislature at all.

Providentially, the real legislature of the Church of England is not far to seek. Its legislature is Parliament. This simple verity is not in the least dependent on the fact of the Bishops having seats in the House of Lords; still less upon any presumption, that the law holds (as one of its many fictions) that every member of the English Parliament is also a member of the English Church. It follows as the natural consequence of the general omnipotence of Parliament, and of there being no exception in favour of the Church. Roman Catholics were members of Parliament at the Reformation; and for some time after. Puritans (some of them to all intents Dissenters) soon followed. When sectarian restraints were afterwards imposed, they were imposed on political pretences. While Parliament declined to disqualify, on ecclesiastical grounds, any of the members of its Civil legislature from being, at the same time, members of its Church legislature, it was not likely to allow any such objection to prevail in the case of Church judicatories.

Accordingly, a Dissenter may sit (and does sit) as supreme Ecclesiastical Judge in the Privy Council. The case of the King differs from other cases, by the fact of the King being, by law, the Head of the Church. It is evident, however, that the open principles of the English constitution were originally considered to be too strong for the presumption which this *descriptio personæ* almost unavoidably implies. Otherwise there would have been no necessity for the 30th Charles II., to prevent the Head of the Church of England from being a Papist. The 12th of William III. applied only to future sovereigns. Except for it, the Head of the English Church might be an Independent like Cromwell, or a Presbyterian like James I.; than whom nobody had talked more lightly of the Church of England and its sacraments, until circumstances made it worth his while to put himself in communion with it.

It is true there is a terrible arrear of Ecclesiastical legislation. What would Melancthon think of us, who recommended periodical revisions of Articles of Religion? What, Lord Bacon?—who complained, two hundred years ago, that 'the Ecclesias-'tical State should still continue upon the dregs of time, and re-'ceive no alteration now for these five-and-forty years, and more. '. . . . And that they had heard of no offers of the Bishops of 'bills in Parliament.' During this long interval, there can be no doubt but that the natural advisers of the Church have allowed a variety of evils to accumulate, rather than take the risk of a discussion in the House of Commons as the condition of redress. We question even now, whether the present Master of the Temple will succeed in bringing the Rubric and the Canons before a Committee of Religion. From one consideration or another, Parliament has left a great part of its ecclesiastical business undone. Nevertheless, it has freely exercised its legislative power over the Church on a multitude of occasions. Sometimes consulting with the Clergy—sometimes not: in either case, the ultimate judgment and sanction being, beyond all question, solely and exclusively its own. The principal things to consider in an Establishment are—what is to be done about its endowments and its clergy—its discipline and its doctrine. It may be useful to particularize, in one or two instances, how Parliament has dealt with them. We will begin with endowments.

Church property (or, to describe it less fallaciously, the property which the nation has set apart for spiritual purposes) Parliament has given and taken away—it has united it in its amount by Mortmain Acts—it has moulded it at its discretion, now by enlarging, now by restraining statutes—it has changed it in its

quality by Tithe Commutation Bills—and, by divers enactments against non-residence and pluralities, has modified the terms upon which it can be enjoyed.

Over the clergy, or the Ministers of its Church in Holy Orders, Parliament has equally held the reins. It has fixed the age at which they can enter into that sacred corps; and has prescribed the forms and ceremonies by which its Priests are ordained, and its Bishops consecrated. It has incorporated them with their fellow-citizens by taking off the restriction of celibacy, and allowing them to marry. On the other hand, by putting on them the prohibition of trading, and farming, and of sitting in the House of Commons, it has done its best to keep them unspotted from the world; and to confine them to the duties to which they have devoted themselves by their ordination vows.

Where to place the jurisdiction over the Discipline and Doctrines of a Church, is a more delicate question. One of the Fathers declared he would never again go to a General Council. He had seen no good of them. But even into this delicate province Parliament has entered, and has maintained its ground there with as assured a step, and as minute a supervision, (ordering and controlling,) as any of the four first Councils. It is by Act of Parliament that Sunday is kept holy. The Act is prefaced by an elaborate preamble, that—what days should be set apart for God's service, and what not, was left to the liberty of Christ's Church, and to the determination of the rulers and ministers thereof; and then follows a determination by King, Lords, and Commons, in behalf of Sunday and certain other holidays. On the same principle, the same Parliament of Edward VI., after reciting the godly travel of the King's Highness, the Lord Protector, and others of his Council, proceeds to establish the form of Common Prayer and public worship, and the rites with which the sacrament was to be celebrated. Every syllable of the ancient Canon Law, which is at this day Law in England, is kept alive by an unhappy saving in the Act of Henry VIII. He was Canonist enough himself to have taken care that the revision of the Canons by his Commissioners (half clerical half lay) should be in accordance with his mandate; which forbade the Universities to grant any more degrees in a science with which the Church of England had no longer any connexion or concern. A few years afterwards, the Parliament of Elizabeth, in its own name, and in its first and fundamental statute, laid down its own tests and limits for ascertaining what was heresy, and what not. It added an ironical compliment to Convocation, in case new heresies should need to be declared. This fundamental statute expressed, beyond all possibility of mistake, the ecclesiastical

principles and policy of this decisive reign.* Its peremptory provisions, on the most tender of all spiritual questions, were followed, ten years later, by an Act with the title of—'An Act for the 'ministers of the Church to be of sound religion.' On this Act, (drawn up as loosely as a modern statute, and construed as strictly,) the necessity of subscription by *all* clergymen to *all* the 'Articles for avoiding diversities of opinion!' at present stands.

Statutory enactments of this description by the supreme authority of the State, (there being not a shadow of legislative power in any other quarter,) are abundant proof that the Church legislature of the Church of England is in Parliament. In like manner, in all other particulars the analogy to the civil Constitution is pursued throughout. Accordingly, the remaining branches of Church authority, judicial and executive, are in the Crown.

* 'The first statute of Elizabeth (1 El. c. 1) enacts, 'that all such 'jurisdiction, spiritual and ecclesiastical, as by any spiritual or ecclesias- 'tical authority had heretofore been exercised for the visitation of the 'ecclesiastical state and persons, and for reformation of all manner of 'heresies, &c., shall for ever, by authority of Parliament, be annexed to 'the imperial Crown of the realm.'—(Sect. 17.) 'That the Queen and 'her successors, by virtue of that Act, had full power to assign from time 'to time such person or persons as they should think meet, being natu- 'ral born subjects, to execute under her highness the said spiritual and 'ecclesiastical jurisdiction.'—(Sect. 18.) 'That no manner of order or 'determination, for any matter of religion or cause ecclesiastical, made by 'the authority of that Parliament, should be deemed or adjudged at any 'time hereafter to be any error, heresy, or schism.'—(Sect. 35.) 'That 'the commissioners, appointed as aforesaid, shall have no power to ad- 'judge any matter to be heresy, but such as heretofore have been adjudged 'to be so by the authority of Scripture, or by the first four General Coun- 'cils; or such as hereafter shall be ordered to be heresy by the High 'Court of Parliament, with the assent of the clergy in their Convoca- 'tion.'—(Sect. 36.)

To the best of our knowledge, this last clause is the only place in which Convocation is recognised by Parliament as a properly assenting party in any instance whatsoever of spiritual legislation. It must be observed what in this case was the nature of the instance, and how strictly limited to a negative even here; but, above all, it must be recollected that the clergy, at this time, had no share in the elective franchise for the House of Commons. The preambles and recitals of the Act 'for the restraint of appeals,' (24 Hen. VIII. c. 12,) and of 'the 'Act for abolishing of diversitie of opinions in certaine articles concern- 'ing Christian religion,' (31 Hen. VIII. c. 14,) demonstrate by what successive stages the Church of England was brought out from its bondage, first to the Pope, and next to the Spiritualty or Clergy, into its present freedom. The process was in truth not an emancipation, but a transforming and a creating process.

All Ecclesiastical Courts are derived out of the Royal Prerogative, precisely in the same manner as the Courts of Common Law and Equity.

Again, in the Administration of the Church the Crown is the sole constitutional executive. The Bishops, and the whole hierarchical series of governors in the Church—principals and subordinates—represent, as governors, the ecclesiastical authority of the Crown, and nothing else. The King, if it should become necessary, can appoint the Bishops by letters-patent. The commission which Cranmer, Bonner, and some other Bishops, (probably all,) took out from Henry VIII., and again from Edward VI., can be read in Burnet. The provision by which they received their Bishoprics, to be held only during the King's pleasure, may have been a very impolitic one: And it was undoubtedly fitting, as soon

The scruple felt by James I. at the ecclesiastical edict drawn up by Grotius, and published by the civil magistrates of the States of Holland, was in the spirit of the precedents collected by 'that renowned antiquary,' Sir Robert Cotton, (an answer to an argument from supposed antiquity, that '*ecclesiastical* laws ought to be enacted by *temporal* men.') These precedents are, one and all, Popish in point of principle, and Popish in point of time. There was some colour for keeping Church legislation in spiritual hands, as long as that part of the body politic which was called 'the Spiritualty' (in distinction to the Temporalty) could be properly described as being synonymous with 'the English Church.' And the specific error of Cotton (as afterwards, to the same effect, of C. J. Vaughan) appears to have consisted in carrying down the spirit of Popery upon this subject, together with its reminiscences, into a Protestant period. After reading Lord Hardwicke's celebrated judgment, (A. D. 1736, ii. Atkyns, 650,) it is difficult to conceive that these reminiscences were not misunderstood by Cotton and Vaughan as well as misapplied. Even in Roman Catholic times, the sturdiness of the common law distinguished between the legislative sphere of Convocation and of Parliament, not only the subject-matter of religion, and by the distinction between Spiritualty and Temporalty, but also by the pervading principle of representation. There is early judicial notice of the characteristic fact, that the laity were not represented in Convocation at all. But be this as it may: Admitting, for the present purpose, that all argument, both from antiquity and from law, must have excluded temporal men from spiritual legislation during the period that the Church of England was part and parcel of the Church of Rome, it will not be the less true, that the Reformation swept all this argument away. Under the English constitution, it was impossible that the Reformation could stand still, and be satisfied with such an enlargement of the royal prerogative as had made Henry VIII. 'a King with a Pope in his belly,' according to Sir Nicholas Bacon's picturesque expression. It necessarily took the other step, and transferred at once the full power of spiritual legislation to the common-

as men's minds had steadied to the Reformation, to return to the old tenure of life and good behaviour. To the other novelty in the commission—an explicit declaration that the Bishops were to exercise their Bishoprics, as the King's delegates, in his name and authority—we see nothing to object, unless it were found that the generality of the words exposed them to misconstruction. As much of the Episcopal office as relates to ministering in the Church and to administration of the sacraments, Elizabeth had had the discretion to disclaim for herself, and we presume for all her successors, male as well as female. In other respects, Elizabeth asserted her plenary superiority out and out, and talked of her prerogative of unfrocking Bishops with an irreverent indecorum. In one of her speeches to Parliament, (1585,) she reminded them that God had made her 'overruler of the Church.' There were great

wealth at large. 'I have heard,' said Peter Wentworth, addressing the House of Commons of 1575—'I have heard of old Parliament 'men, that the banishment of the Pope and Popery, and the resto'ring of true religion, had their beginning from this House, and not 'from the Bishops.' The truth is and must be, that, as soon as ever the Church of England was laid open to the light and breath of heaven, and to popular understanding and belief, the Temporalty became a component part of it. From that moment, a Convocation which represented the Spiritualty only could be no longer rationally considered to represent the Church. The High-Church Convocations of after times, however, were not afraid to put this violence upon reason. Among the impertinences of the Canons of 1603, it was declared, (Can. 139, 140,) that 'whoever should affirm that Convocation was not the true Church of England by representation, and that, therefore, it could not bind the laity in causes ecclesiastical, should be excommunicate!' This audacious attempt by an English Priesthood, to recover for their order an authority, of which, if they ever had it, the Reformation had certainly deprived them, was, we need hardly say, in as manifest contradiction to the law of the land as to common sense. The courts at Westminster have dealt with it accordingly.

For the question, the real question, at the root and in the sap, and throughout the whole trunk of the English Church, as a reformed Church, is this—are the people of England in communion with its Church—a part of the Church—a real and substantial part of it? or, are they there only for the purpose of attending to and attending on the clergy? 'When I hear men talk of the Church,' Arnold used to say, 'I cannot help recalling how Abbé Siéyes replied to the question, "What is the *Tiers Etat?*" by saying, "*La nation moins la noblesse et le clergé;*" and so I, if I were asked, What are the laity? I would answer, the Church *minus* the clergy. This,' he said, 'is the view taken of the Church in the New Testament; can it be said that it is the view held amongst ourselves? and if not, is not the difference incalculable?' It is assuredly the view taken of it by the law.

faults and negligences in it. 'All of which, if you, my Lords of 'the Clergy, do not amend, I mean to depose you. Therefore, 'look well to your charges.' As might be expected of the Tudors and the Stuarts, they often pushed their notions of what belonged to the executive a great deal too far, in ecclesiastical affairs as well as in civil. Their royal interposition frequently went beyond the ordinary powers of any ecclesiastical executive. In all such cases the sovereign was understood, both by himself and others, to draw his power from the unfathomable depths of an indefinite prerogative supremacy. Henry VIII., for instance, Defender of the Faith, and so forth, in the pride of his divinity altered certain Articles of Faith with his own hand, and apparently published others without consulting either Convocation or Parliament. Every attempt by the Tudors and the Stuarts to control the House of Commons in its debates concerning religion, treated such debates as infringements on the prerogative. Discussions in Convocation contrary to the royal pleasure, would have fared still worse.

In the mean time, with regard to public worship Parliament had taken care of the prayer-book only. It had said nothing of preachers. Regulations concerning them were considered less urgent. There was no superstition in their case to displace; for the warmest advocates of the mysterious privileges of holy orders, have confined their claims to the spiritual administration of rites and ceremonies. The gift of preaching was too hazardous a pretension to be put among the powers of an apostolical succession. The Crown, therefore, took the preachers into its own hands. It was a singular prerogative which could cover 'the directions concerning preachers,' as issued first by James I.—who was 'indeed a mixed person, a king in civil power, a bishop in 'ecclesiastical affections'—and afterwards by his son. The mandate commences—'Forasmuch as the abuses and extravagances 'of preachers in the pulpit have been in all ages repressed in the 'realm by some act of council or state, with the advice of learned 'prelates: and insomuch as the very licensing of preachers had 'this beginning by an order at Star-Chamber, (19, Henry 'VIII.:) and that, at this present, *young students, by reading 'of late writers and ungrounded divines, do broach doctrines 'many times unprofitable,*—Therefore His Majesty hath been 'entreated to settle for the present, by proclamation, these limi'tations following.' Then follows a string of minute directions, parcelling out to preachers the topics which they were allowed to preach upon, according to a curious scale of ecclesiastical dignities and academical degrees. Alas, for the security which would be now afforded us by Dignities and Degrees!

A twelvemonth ago, we should have thought it time wasted to have gone into these particulars. But the Bishop of Exeter takes liberties in argument, of which Atterbury (were he living) would be ashamed. Assertions cost him nothing: whether it suits his purpose to tell his clergy that the Sermon is rubrically part of the Communion service! or to tell the House of Lords that the *temporal* authority, formerly exercised in England by the Pope, was all the authority which the Act of Supremacy and the English constitution recognized in the Crown!—he has so much more about him of the temper of a hired Advocate of the Church, than that of one of its Fathers, that we have thought it best to go back to first principles. Our first principles are those which, in the edict drawn up by Grotius on the part of the Remonstrants, and adopted by the States of Holland, are announced to be 'agreeable to the example of the kings, princes, 'and cities, which have embraced the Reformation.' According to the policy of the English nation, the form in which they have embodied and expressed these principles is, that of the supremacy of the Crown over the Church, and the supremacy of Parliament over both. Arnold recognized the doctrine of the Crown's supremacy as the peculiar blessing of the constitution of the Church of England—'A rare and mere blessing of God.' In this opinion we heartily agree. It is not necessary to go further; and to conclude with him, that the supremacy of the Crown must consequently contain what Arnold conceived to be the true idea of a perfect Church. Still less can we indulge the hope, that (were it worked out to what he would have considered its 'full de'velopment,') we should find in it that kingdom of God for which his straining eyeballs were looking out—the fulfilment of the promises made in Scripture to the Church of Christ.

We are thankful for smaller matters. Yet it is no small matter to have, in the very framework of the ecclesiastical constitution, a security against the enormous fallacy of a Sovereign Priesthood; and to know that the spiritual government of a people is fenced in against abuse by the very same protection as their civil—by representatives of their own. Englishmen cannot be much misgoverned in either, without it being their own fault. It is no small matter, too, to believe with Arnold, that by the Articles of its Church the Christian *res publicâ* depends on the political. Therefore, there may be at least as many Christian societies as there are political; and indeed, in these kingdoms, there are more. Since, not only does Nonconformity cease to be an offence of any kind from the moment it is recognised and authorized by the law; but it is thereby in fact established: for, (as Lord Mansfield sensibly observed,) in these matters, to tolerate is to establish.

M. Villemain, in his commentary on Cicero's *De Republicâ*, contemptuously compares the ecclesiastical legislation of the English Parliament to the ecclesiastical legislation of the Roman Senate. We see no reason for being ashamed of the comparison. We know from Polybius, as well as from Cicero, that the good sense of their ecclesiastical polity did not prevent the Romans from being more religious than their neighbours. Can as much be said in favour of the ecclesiastical polity of modern Rome? In our judgment, the political constitution of the Church of England, rightly understood, is its specific merit. It is the people's share in it. As a general advantage, it can scarcely be overrated. Yet the Church of England is beset with particular disadvantages, great and numerous, to which remedies of some sort must be applied erelong; or dissolution, in one or other of its forms, may overtake the wealthiest, though not the first-born, of the Churches of the Reformation before it is aware.

Dr Arnold wrote his pamphlet on Church Reform during the excitement of 1833; under an exaggerated impression (as he afterwards acknowledged) of the strength of the movement party, and of the immediateness of the danger. His general opinion of the Church of England—of its merits and demerits, its present and its future—will be better gathered from his varied correspondence, extending over a tract of years. The opinion will be found to be much the same, from first to last. He thought its whole system so corrupt, that it had not to be amended here and there, but to be recast. It stands, he said, in many points, just as it did in the worst days of Popery—only reading 'king or aristocracy' in the place of 'pope.' It had been left at the Reformation as avowedly unfinished as Cologne Cathedral. Yet English Churchmen, instead of renewing the crane on its half-built towers, in the hope of some day finishing them, persuade themselves that their building is complete! Its historical and motley character made him marvel at the fondness of many noble minds for our 'dear mother the panther.' The very phrase, 'mother church,' sounded in his ears as an unscriptural and mischievous idolatry. Dissent from it, accordingly, wore a very different aspect in his eyes from divisions introduced into a more perfect church. Nor was the making and irritating Dissenters the worst consequence of its corruptions. To the extent, that the notion of a Priesthood had got possession of it, its Christian power of union and co-operation was so far paralysed. The spirit of the great body of the Clergy at the present day, had altered very little from what it had been ever since the time of Queen Elizabeth downwards. It still continues to be the spirit of a Political party; and, unfortunately, of the party which had been, in the main, opposed to all improvement.

'Therefore (he concludes, that were there no other objection to 'their title to be considered a national Church) it will not do 'for the Church party in England to identify themselves with 'the nation, which they are not; nor with the Constitution, 'which they did their best to hinder ever coming into existence.'

Nothing that can now be done, can change the past history of the English Church; or much improve, we fear, the political spirit of its Clergy. The obstacles in the way of Church Reform, in the high meaning which Dr Arnold attributed to the word, are confessedly insurmountable. They lie deeper even than the idolatry of things as they are by the high churchmen; or than the idolizing of the early reformers by the evangelicals; or even than that indifference to general principles, so characteristic of Englishmen, which was enough (he said) to break his heart. They lie in the fact, that an attempt to execute his reform would probably produce far less good than evil—unless a previous reformation should have taken place in human nature, amounting to a change of it altogether. But, far short of the views he loved to brood over, there is room for many changes in the Church; which might lessen considerably its internal evils, and moderate the dangers to it from without. With respect to the Liturgy, he appears to have thought little alteration was needed in it beyond leaving out the political services. He made equally light of the important questions of patronage, of the equalizing of revenues, and of pluralities. The tone in which he notices Wesley's observation to his Ministers, (to the effect that they had no more to do with being gentlemen than with being dancing-masters,) shows he was aware of one of the evils of a rich establishment. We mean of the danger that its Clergy will get above their work—not from pride, but from their station, their habits, and their mode of education.

With respect to the Articles—as an ostrich, it is said, can digest iron—so, when Arnold had once swallowed the Articles, they seem to have given him no further trouble. He disliked them, he said, because they represented truth theologically and technically, and, in consequence, untruly. He would have gladly reduced them to articles of peace. He willingly, therefore, signed petitions for relief in respect of the terms of subscription to both Articles and Liturgy. But this was all. There is no proof of his having been sufficiently sensitive to the real extent of the grievance which these peremptory subscriptions are inflicting on many natures. Snares to some—to others scourges. We should ourselves wish for no better instance of the peril of them, than the way in which such minds as Arnold's and Paley's reasoned themselves into subscribing. The time, however, when such reasonings can prevail with men of

half their ability and honesty, seems coming to an end. For this we have to thank the extreme cases of Messrs Ward and Oakley. Arnold says, 'historically our prayer-book exhibits 'the opinions of two very different parties, King Edward's refor-'mers, and the high churchmen of James the First's time, and of '1661. There is a necessity, therefore, in fact, for a compre-'hensive subscription, unless the followers of one of these parties 'are to be driven out of the Church.' *Comprehensive Articles*, that is, open Articles, would be a great gain. But a *comprehensive subscription* of close Articles, is more than we can comprehend, or should wish to be comprehended in. We are told that the friends of Mr Oakley are threatening to proceed against Mr Baptist Noel; and that there has been some talk, more or less, of convening Archbishop Whately before his Oxford brethren as a Sabellian, because Mr Ward has been degraded as a Roman Catholic. In case a see-saw of this kind should drive out of the Church not only one party, but both, Church of England men would see their way at once. The whole system of subscription must come down; and the test of Church membership might possibly be reduced to the test required in baptism. As somebody said of old, it would be then no longer *res ingeniosa* to be a Christian. We once heard an exclamation from the pulpit of Robert Hall, which we should rejoice to hear taken up and echoed from pulpit to pulpit throughout Christendom. 'If there be one truth clear as the sun in heaven, it is 'this—There should be no terms of communion but what are 'terms of salvation: and the man who is good enough for 'Christ is good enough for me!'

The difficulties of the Church regarding doctrine pressed lightly, in comparison, on Arnold's spirit. Its difficulties of discipline and government almost weighed him down. Before he could feel any hope for the Church, there must be signs in it of a real Church government, not a pretended one; and the only government he would have believed to be a real one, must be one which was vested in the Church, not in the Clergy. This he would have thought so incalculable a good, that, for the sake of it, he would have been willing to undergo for a season almost any aggravation of actual misgovernment. 'One thing I see, that if attempts 'be made, as they seem to be, to make the power of the Bishops 'less nominal than it has been, there will be all the better 'chance of our getting a really good church government; for 'irresponsible persons, irremoveable, and acting without respon-'sible advisers, are such a solecism in government, that they can 'only be suffered to exist so long as they do nothing; let them 'begin to act, and the vices of their constitution will become 'flagrant.' On this part of the case, Lord Bacon, in a remark-

able paper 'On the Pacification of the Church,' had pronounced judgment long ago: 'There be two circumstances in the administration of Bishops, wherein, I confess, I could never be satisfied; the one, the sole exercise of their authority—the other, the deputation of it.'

We have said that Arnold did not attach sufficient importance to the pressure put upon scrupulous consciences within the Church by Articles of Faith. He was quite awake, however, to the injury they did the Church from without. A National Establishment can be only just, useful, and secure, when it is nearly co-extensive with the Nation. In the hope of saving it, Arnold would have relaxed its theoretical bond—its Articles; and would have tightened its practical one—its Government. Its multifarious and complicated Articles make it the religion only of a part, and of a much smaller part than would otherwise be the case. Arnold's alternative was a short one: 'Either the Church must be more comprehensive, or an establishment cannot be maintained. The Church as it now stands, no human power can save.'

The Supremacy of the State is one thing; an identity of Church and State, another. Any such identity is so manifestly impossible in these kingdoms, that, if it were the only condition upon which the Church of England could be saved, we should agree with Arnold that it was not to be saved by human means. On the other hand, if it is to be considered merely as the '*Theory of a perfect Church and a perfect State*,' it is no longer a subject of meditation for Statesmen and Divines, but for the ingenious exercitations of a declamation prize. Upon any view of it, it is a theory on which, we are afraid, we are scarcely open to conviction. However, as we understand that an Appendix to the 'Fragment on the Church,' and also a Miscellaneous volume, in which Arnold's views are more fully stated and developed, will soon be published, we gladly put aside our pen and our objections, and wait for their appearance.

No. CLXV. will be published in July.

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